

**MEETING**  
**STATE OF CALIFORNIA**  
**ENVIRONMENTAL PROTECTION AGENCY**  
**INTERAGENCY WORKING GROUP ON ENVIRONMENTAL JUSTICE**

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**  
**(Cal/EPA)**

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**JAMES F. PETERS, CSR, RPR**  
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## **APPEARANCES**

### **WORKGROUP MEMBERS**

Mr. Terry Tamminen, Agency Secretary, Cal/EPA

Ms. Jan Boel, Acting Director, Governor's Office of Planning and Research (OPR)

Ms. Tam Doduc, Deputy Secretary for Environmental Quality, Cal/EPA

Ms. Malinda Hall, Special Assistant for Environmental Justice, Cal/EPA

Mr. Paul Helliker, Director, Department of Pesticide Regulation (DPR)

Mr. Ed Lowry, Director, Department of Toxic Substances Control (DTSC)

Ms. Linda Moulton-Patterson, Chairperson, California Integrated Waste Management Board (CIWMB)

Mr. Shankar Prasad, Advisor, California Air Resources Board (ARB)

Mr. Val Siebal, Chief Deputy Director, Office of Environmental Health Hazard Assessment (OEHHA)

Mr. Peter Silva, Vice Chairperson, State Water Resources Control Board (SWRCB)

### **PUBLIC COMMENTORS**

Mr. Martha Arguello, Physicians for Social Responsibility

Mr. David Arrieta, Western States Petroleum Association

Ms. Donna Charpiet, Citizens for the Chuckawalla Valley

Dr. Henry Clark, West County Toxics Coalition

Ms. Cynthia Cory, California Farm Bureau

Ms. Ethel Dotson

Mr. Sean Edgar, California Refuse Removal Council

Ms. Paula Forbis, Environmental Health Coalition

Mr. Randal Friedman, United States Navy

Ms. Marie Harrison, Green Action for Health and Environmental Justice

Ms. Liz Jones, Breast Cancer Fund

Mr. Karl Krupp, Green Action for Health and Environmental Justice

Ms. Suellen Lowry, California Interfaith Partnership

Mr. Joe Lyou, California Environmental Rights Alliance

**COMMENTORS CONTINUED**

Mr. Bill Magavern, Sierra Club

Mr. Pete McGaw, Environmental Tasks Force for the Contra Costa Council

Ms. Penny Newman, Center for Community Action and Environmental Justice

Ms. Karen Pierce, Bayview Hunters Point Community Advocate

Ms. Renee Pinel, Western Planned Health Association

Ms. Mary Pitto, Regional Council for Rural Counties

Ms. Sylvia Quarles, Fort Ord Environmental Justice Network

Ms. Mareana Ricci, Paragon Global Consulting

Ms. Dorothy Rothrock, California Manufacturers

Mr. Tim Shestek, American Chemistry Council

Mr. Bruce Stewart, Vision of Hope

Ms. LeVonne Stone, Fort Ord Environmental Justice Network

Ms. Robina Suwol, California Safe Schools

Ms. Cindy Tuck, California Council of Environmental and Economic Balance

Mr. Terrence Valen, Communities for a Better Environrment

Ms. Jane Williams, California Communities Against Toxics

## INDEX

	PAGE
Introduction and Opening Remarks	
Presentations by EJ Program Staff	
Comments by EJ Advisory Committee Co-Chairs	
Inter-Agency Working Group Discussion on Recommendations for an Intra-Agency Environmental Justice Strategy	
Public Comment	61
▪ Randal Friedman	63
▪ Martha Arguello	66
▪ Marean Ricci	72
▪ Cindy Tuck	75
▪ Mary Pitto	79
▪ Robina Suwol	80
▪ Terrence Valen	82
▪ Paula Forbis	85
▪ Tim Shestek	88
▪ Bill Magavern	89
▪ Renee Pinel	92
▪ Cynthia Cory	94
▪ Henry Clark	96
▪ Dorothy Rothrock	99
▪ David Arrieta	100
▪ LeVonne Stone	101
▪ Karl Krupp	103
▪ Marie Harrison	106
▪ Sylvia Quarles	108
▪ Karen Pierce	110
▪ Penny Newman	113
▪ Bruce Stewart	118
▪ Ethel Dotson	121
▪ Suellen Lowry	129
▪ Donna Charpied	132
▪ Liz Jones	133
▪ Joe Lyou	135
▪ Pete McGaw	136
▪ Jane Williams	138
Inter-Agency Working Group Discussion on Recommendations for an Intra-Agency Environmental Justice Strategy and Appropriate Action	140
▪ Motion	146
▪ Vote	147
Adjournment	148
Reporter's Certificate	149

1           **PROCEEDINGS**

2           CAL/EPA SECRETARY TAMMINEN: Well, this is a great  
3 group. Thank you all for being here and taking up your  
4 afternoon and joining us.

5           I am Terry Tamminen, the Secretary of the  
6 California Environmental Protection Agency and Chair of  
7 the Interagency Working Group on Environmental Justice.  
8 And it really is gratifying to see so many people here who  
9 care about this and are willing to put their expertise to  
10 work to help us get this right.

11          I want to welcome you all to at least my first  
12 meeting of the working group.

13          Can everyone hear? Is this working?

14          The translator can hear?

15          Good. Thank you. If I'm speaking too fast, just  
16 throw a brick at me or something, won't you.

17          And I really do appreciate everyone being here.  
18 And I'm looking forward to a lively discussion. And I  
19 know everyone will be candid and constructive. A lot of  
20 familiar faces and a lot of good friends. And I really  
21 appreciate you all being here.

22          First of all, I'd like to ask all the other  
23 members of the Working Group to introduce themselves. And  
24 then we're going to quickly go around the room and ask  
25 everyone to just quickly identify themselves as well.

1        So why don't we start with Paul and we'll work  
2 our way around.

3        DPR DIRECTOR HELLIKER: I'm Paul Helliker. I'm  
4 the Director of the Department of Pesticide Regulation.

5        SWRCB BOARD MEMBER SILVA: I'm Pete Silva from  
6 the State Water Resources Control Board.

7        DTSC DIRECTOR LOWRY: Ed Lowry, Director of the  
8 Department of Toxic Substances Control.

9        CAL/EPA SPECIAL ASSISTANT HALL: Malinda Hall,  
10 Special Assistant for Environmental Justice, Cal/EPA.

11       CAL/EPA DEPUTY SECRETARY DODUC: Tam Doduc, Deputy  
12 Secretary of the Cal/EPA.

13       GOVERNOR'S OFFICE OF PLANNING AND RESEARCH ACTING  
14 DIRECTOR BOEL: Jan Boel, Acting Director of the  
15 Governor's Office of Planning and Research.

16       CAL/EPA SECRETARY TAMMINEN: You all might have to  
17 press your little buttons there to make sure the light's  
18 on.

19       ARB ADVISOR PRASAD: Shankar Prasad, California  
20 Air Resources Board, advisor for Chairman Alan Lloyd.

21       CIWMB CHAIRPERSON MOULTON-PATTERSON: Linda  
22 Moulton-Patterson, Chair of the Integrated Waste  
23 Management Board.

24       OEHHA CHIEF DEPUTY DIRECTOR SIEBAL: Val Siebal,  
25 Chief Deputy Director for the Office of Environmental

1 Health Hazard Assessment.

2 CAL/EPA SECRETARY TAMMINEN: And let's just go  
3 around the room. Why don't we just start here and do one  
4 row at a time and then quickly work our way around the  
5 room.

6 OEHHHA CHIEF COUNSEL MONAHAN: I'm Carol Monahan,  
7 Chief Counsel for the Office of Environmental Health  
8 Hazard Assessment.

9 CAL/EPA SECRETARY TAMMINEN: I'm going to ask  
10 everyone to just quickly stand up and speak real loud so  
11 our transcriber and everyone else can hear you.

12 MR. DiBARTOLOMEIS: Michael DiBartolomeis. I'm  
13 the -- on the -- what do we call it? -- Coordinating Work  
14 Group for Environmental Justice for Cal/EPA representing  
15 OEHHHA.

16 DPR EXTERNAL AFFAIRS DIRECTOR FEDERIGHI: I'm  
17 Veda Federighi, I'm External Affairs Director with the  
18 Department of Pesticide Regulation and also on the  
19 internal coordinating group. Good name for --

20 DPR CHIEF DEPUTY DIRECTOR GOSSELIN: Paul  
21 Gosselin, Chief Deputy Director of the Department of  
22 Pesticide Regulation.

23 DPR LEGISLATIVE DIRECTOR REARDON: I'm Chris  
24 Reardon, Legislative Director of the Department of  
25 Pesticide Regulation.

1 MR. ADAMS: Jim Adams, staff, California Energy  
2 Commission.  
3 CALFED ENVIRONMENTAL JUSTICE COORDINATOR MCGHEE:  
4 Ken McGhee, Environmental Justice Coordinator of  
5 CALFED.  
6 CIWMB ASSISTANT DIRECTOR PACKARD: Rubia Packard  
7 with the Waste Management Board.  
8 CIWMB EXECUTIVE DIRECTOR LEARY: Mark Leary,  
9 Executive Director for the Waste Management Board.  
10 CIWMB MEMBER MULÉ: Rosalie Mulé, Waste Management Board.  
11 MS. BRUCE: Bonnie Bruce advisor to Linda  
12 Moulton-Patterson.  
13 MR. SHESTEK: Tim Shestek with the American  
14 Chemistry Council.  
15 MR. GREEN: Larry Green President of the  
16 California Air Pollution Control Officers Association.  
17 MS. WONG: Joanne Wong, Assembly of Environmental  
18 Safety Committee.  
19 MS. RICCI: Mareana Ricci, Paragon Global  
20 Consulting.  
21 MR. JESTER: Jim Jester with the Sacramento Air  
22 Quality District.  
23 MS. ROTHROCK: Dorothy Rothrock with the  
24 California Manufacturers.  
25 MS. TUCK: Cindy Tuck with the California Council



1 of Environmental and Economic Balance.

2 MR. McGAW: Peter McGaw from the Environmental

3 Task Force.

4 SWRCB MEMBER SUTLEY: Nancy Sutley, member, State

5 Water Resources Control Board.

6 ARB EXECUTIVE OFFICER WITHERSPOON: Catherine

7 Witherspoon, Executive Officer, Air Resources Board.

8 MR. LARSON: George Larson representing Waste

9 Management, Inc.

10 MR. EDGAR: Sean Edgar, Director of Regulatory

11 Affairs for the California Refuse Removal Council.

12 CAL/EPA UNDERSECRETARY BRANHAM: Jim Branham,

13 Undersecretary, Cal/EPA.

14 MS. SALAZAR-THOMPSON: I'm Sandra

15 Salazar-Thompson with the Water Board, formerly with the

16 Governor's Office of Planning and Research.

17 MR. SHIMP: Dale Shimp with the Air Resources

18 Board.

19 MR. WALLERSTEIN: Barry Wallerstein with the

20 South Coast Air Quality Management District.

21 MS. CANTU: Celeste Cantu, Executive Director of

22 the State Water Board.

23 CIWMB MEMBER PAPARIAN: Mike Paparian with the

24 Waste Board.

25 CAL/EPA SECRETARY TAMMINEN: Then why don't we go

1 over to the door. Then we'll work our way through the  
2 front row here.

3 EJ ADVISORY COMMITTEE CO-CHAIRPERSON ALLEN: Dee  
4 Allen, City of Los Angeles, Co-Chair of the Cal/EPA  
5 Advisory Committee.

6 CAL/EPA DEPUTY SECRETARY GORSEN: Good Morning.  
7 I'm Maureen Gorsen, Deputy Secretary of the Law  
8 Enforcement, Cal/EPA.

9 MR. SCHMITZ: Mike Schmitz, Executive Director of  
10 CLEEN, the California League for Environmental Enforcement  
11 Now.

12 MR. MAGAVERN: Bill Magavern, Sierra Club of  
13 California.

14 MS. NEWMAN: Penny Newman, Executive Director of  
15 the Center for Community Action and Environmental Justice,  
16 Riverside California.

17 MS. FORBIS: Paula Forbis, Director of the Toxic  
18 Free Neighborhood Campaign for Environmental Health  
19 Coalition.

20 EJ ADVISORY COMMITTEE CO-CHAIRPERSON TAKVORIAN:  
21 Diane Takvorian, Director of Environmental Health  
22 Coalition and Co-Chair of the Environmental Justice  
23 Advisory Committee.

24 MS. DAVIS: Pamela Davis with the California  
25 Research Bureau and a member of the Environmental Justice

1 Steering Committee.

2 MR. LYOU: Joe Lyou, the California Environmental  
3 Rights Alliance.

4 MR. VALEN: Terry Valen, associated with  
5 Communities for a Better Environment.

6 DTSC DEPUTY DIRECTOR MARXEN: I'm Jim Marxen.  
7 I'm with the External Affairs Office for the Department of  
8 Toxic Substances Control.

9 MR. FLETCHER: I'm Bob Fletcher with the Air  
10 Resources Board.

11 ARB DEPUTY EXECUTIVE OFFICER TERRY: Lynn Terry,  
12 Deputy Executive Officer, Air Resources Board.

13 MS. MURCHISON: Linda Murchison, Air Resources  
14 Board.

15 MR. FRIEDMAN: Randy Friedman, United States  
16 Navy.

17 MS. CORY: Cynthia Cory, California Farm Bureau.

18 MS. REED: Debra Reed, South Coast Air Quality  
19 Management District.

20 MS. BYRD: Vanessa Byrd, Department of Toxic  
21 Substances Control.

22 MS. PITTO: Mary Pitto, Regional Council for  
23 Rural Counties.

24 MS. WALKER: Margie Walker, Governor's Office of  
25 Planning and Research.

1 MR. CROSS: Douglas Cross, the Data Coordinator  
2 for the Department of Water Resources.

3 MS. HALLOCK: Dorothy Hallock, EJ Advisory  
4 Committee member representing the Fort Mohave Indian  
5 Tribe.

6 DR. CLARK: Dr. Henry Clark, West County Toxics  
7 Coalition. I'm on the Environmental Justice Advisory  
8 Committee and Acting Co-Chair of the CALFED Environmental  
9 Justice Committee.

10 MS. PETER: Ellen Peter for the California  
11 Attorney General's Office.

12 MR. VANLAN: Curtis Vanlan with the Offices of  
13 Henson & Turner.

14 MS. SUWOL: Robina Suwol, Executive Director of  
15 California Safe Schools.

16 MS. PIERCE: Karen Pierce with the Bayview  
17 Hunters Point Community Advocates.

18 MS. ARGUELLO: Martha Arguello, Director of  
19 Health Environment Programs, Physicians for Social  
20 Responsibility, and Program Director of Community Action  
21 to Fight Asthma in Los Angeles.

22 CAL/EPA SECRETARY TAMMINEN: And I saw Romel sneak  
23 in somewhere -- there he is.

24 Introduce.

25 MR. PASCUAL: Romel Pascual, USEPA, Region 9.

1 CAL/EPA SECRETARY TAMMINEN: And anyone else who  
2 came in late? Stand up and identify yourselves please.

3 MS. CAPONI: Hi. I'm Frank Caponi with L.A.  
4 County Sanitation Districts.

5 CAL/EPA SECRETARY TAMMINEN: And our other recent  
6 arrivals.

7 Great.

8 Has everyone had a chance to introduce  
9 themselves?

10 All right. Well, again, thank you all so very  
11 much for being here. It really is exciting to see such a  
12 diverse group.

13 I think what we ought to do now is make everybody  
14 get up and move and sit next to someone you never have sat  
15 next to before. The whole purpose of this is  
16 cross-pollination. And before the end of the day we're  
17 going to make you do this.

18 So, again -- I'm going to read from this text so  
19 I don't kind of forget the points I wanted to make to help  
20 set this up. Forgive me for reading.

21 So, again, a warm welcome to all of you. And  
22 thanks for joining us as Cal/EPA takes another important  
23 step forward on environmental justice. This would not  
24 have been possible without the assistance of the Cal/EPA  
25 Advisory Committee on Environmental Justice. And I want

1 to thank the Advisory Committee members and the Advisory  
2 Committee alternates for their dedication and support in  
3 what was a two-year public process to develop  
4 recommendations to this working group.

5 This Advisory Committee's October 2003 report  
6 continues to serve as the model from which we will draw to  
7 develop an interagency environmental justice strategy, and  
8 as the yardstick against which we will measure our  
9 environmental justice implementation efforts.

10 Through the collaborations between this working  
11 group, the Environmental Justice Advisory Committee, and  
12 other stakeholders, we've elevated the issue of  
13 environmental justice and developed the infrastructure for  
14 environmental justice implementation.

15 Cal/EPA now turns our focus toward integrating  
16 environmental justice into our programs, our policies and  
17 our daily activities. We know it won't be easy, but we  
18 are committed to achieving this integration. And let  
19 there be no doubt that environmental justice is a priority  
20 for this administration. Let me repeat that. Let there  
21 be no doubt that environmental justice is a priority for  
22 this administration.

23 I take this responsibility very seriously and  
24 very personally. As the Secretary for Cal/EPA, I've  
25 implemented two policy decisions to move this agency and

1 our boards, departments and offices towards environmental  
2 justice integration.

3 First, in keeping with the Governor's comments,  
4 I've blown up the environmental justice box in the Office  
5 of the Secretary because I believe environmental justice  
6 should not be viewed as a standalone or contained program  
7 separated from our core environmental efforts and charged  
8 to designated Environmental Justice staff members.

9 Instead environmental justice must be woven into  
10 all of our environmental considerations, decisions and  
11 actions. Environmental justice must be an inherent part  
12 of environmental quality. This paradigm shift is evident  
13 in the Office of the Secretary where I've elevated and  
14 integrated environmental justice into the responsibilities  
15 of the Deputy Secretary for Environmental Quality, Tam  
16 Doduc.

17 And while I'm on that topic, I want to thank Tam  
18 and Malinda Hall for their incredible work on this meeting  
19 today and on the documents that you're going to see today  
20 and in organizing the various stakeholder efforts. My  
21 thanks to both of them.

22 (Applause.)

23 CAL/EPA SECRETARY TAMMINEN: Deputy Secretary  
24 Doduc and Special Assistant for Environmental Justice,  
25 Malinda Hall, together with all members of my staff, will

1 ensure that environmental justice is part of our  
2 environmental quality outlook, from our water and air  
3 quality initiatives to our children's health program and  
4 our quality improvement efforts; our various public  
5 participation, legislation and enforcement activities; and  
6 in implementing the Governor's environmental action plan.  
7 We will strive to ensure that environmental justice  
8 consideration is an important part of all of these  
9 efforts.

10       Second, I put in place a two-pathway approach to  
11 advance the integration of environmental justice within  
12 Cal/EPA. The first pathway is one that we're all familiar  
13 with and the reason we're here today. That is, the  
14 formal, long-term strategic planning process mandated by  
15 statute. It includes the development of an intra-agency  
16 environmental justice strategy, to be followed by the  
17 review of programs to identify and address any gaps that  
18 may impede environmental justice implementation.

19       Recognizing that this effort may take some time  
20 to complete, I've directed my staff to develop a second  
21 pathway to be implemented in the interim.

22       Before I get to that, let me just check with our  
23 translator. Am I speaking too fast?

24       THE TRANSLATOR: No, that's fine. Thank you.

25       CAL/EPA SECRETARY TAMMINEN: All right. Thank



1 you. No brick came this way, so I'll assume.

2       The second pathway is a three-year action-focused  
3 plan to advance specific priorities that I've identified  
4 for environmental justice. These four priorities,  
5 suggested by the Advisory Committee's recommendations,  
6 are: Precautionary approaches; cumulative health impacts;  
7 community capacity building; and public participation and  
8 communication.

9       With the Environmental Justice Action Plan we are  
10 stepping out of the box and taking interim steps to test  
11 new ideas and approaches to environmental justice  
12 integration. These activities will feed back into the  
13 long-term strategic process and vice versa.

14       So that by the end of 2006 both efforts will  
15 combine into an integrated environmental justice  
16 implementation mechanism within Cal/EPA's environmental  
17 programs. The staff will work with internal and external  
18 stakeholders to further develop the Environmental Justice  
19 Action Plan. I hope that all of you will support and  
20 participate in this exciting effort to advance  
21 environmental justice integration within Cal/EPA.

22       For today's meeting, however, we need to focus on  
23 the long-term strategic effort, specifically the Working  
24 Group's recommendations for an intra-agency environmental  
25 justice strategy. We have, as a starting point for our

1 discussion, a staff proposal that draws from the goals and  
2 recommendations of the Advisory Committee's report, which  
3 we also have as a reference. We also have, as valued  
4 resources, some members of the Advisory Committee who are  
5 here today to provide input on this important step. And  
6 we will also take comments from other stakeholders on  
7 recommendations for the Cal/EPA environmental justice  
8 strategy.

9 To begin with, I'd like to invite Deputy  
10 Secretary Tam Doduc to introduce the staff presentations.

11 And just to be sure that everyone understands the  
12 logistics of the meeting today, we're scheduled to go till  
13 about 7. We can certainly go longer than that if there's  
14 opportunity to chat. But I think maybe at, say, 5:30, so  
15 kind of halfway between now and 7, we'll take a 10-minute  
16 break. That coincides in the schedule with the beginning  
17 of public testimony.

18 In the meantime, if anyone needs restrooms,  
19 they're out here and around to the left. And that's  
20 probably all the logistics we need.

21 So we will take a break. You don't have to feel  
22 that you've got to sit through every last minute. We will  
23 get a break in there in between.

24 All right. Tam.

25 CAL/EPA DEPUTY SECRETARY DODUC: Thank you.

1 Good afternoon, everyone.

2 This is my first IWG meeting as well. And I must  
3 confess that the recent events leading to today's meeting  
4 have been one of the most intense and challenging  
5 experiences I can remember. I've learned many things,  
6 especially how important it is to have communication and  
7 public input into a process that is so important to so  
8 many people on such an individual level.

9 So taking a page from your book, I would like to  
10 begin the presentation with a quotation.

11 (Thereupon an overhead presentation was  
12 Presented as follows.)

13 CAL/EPA DEPUTY SECRETARY DODUC: There we go.

14 It is not Shakespeare. But Walt Whitman captures  
15 the fundamental concept that each person, regardless of  
16 race, culture and income, has a right to fair treatment  
17 and equal protection, including that of his or her health  
18 and environment. Ensuring this is our purpose in  
19 advancing environmental justice and our purpose for being  
20 here today.

21 --o0o--

22 CAL/EPA DEPUTY SECRETARY DODUC: You should have  
23 now an overview of today's meeting. Copies of the agenda  
24 should be available. So I won't spend too much time on  
25 this, only to notice that there is a public comment period

1 scheduled for 5:30 to 6:30.

2 --o0o--

3 CAL/EPA DEPUTY SECRETARY DODUC: In the next ten  
4 minutes Special Assistant Malinda Hall and I will quickly  
5 go over three items. First is an EJ update from Malinda.  
6 Then I'll summarize the two-pathway approach that the  
7 Secretary mentioned. And also our staff recommendations  
8 for the EJ strategy.

9 Malinda.

10 --o0o--

11 CAL/EPA SPECIAL ASSISTANT HALL: Thank you, Tam.

12 Cal/EPA is certainly making important strides to  
13 achieve the goal of environmental justice, or in other  
14 words to reduce or eliminate the disproportionate impacts  
15 of pollution on low income and minority communities.

16 --o0o--

17 CAL/EPA SPECIAL ASSISTANT HALL: Today I'm going  
18 to provide a brief overview of the environmental justice  
19 effort. And there are many. So in the interest of time,  
20 I'm going to only provide a couple of the -- accomplishments  
21 and priorities of each of the BDOs, the boards,  
22 departments and offices.

23 There's also handouts right outside. It's a  
24 20 -- it's basically a 20-page summary. So if you wanted  
25 to go into more detail about the environmental justice

1 efforts here at Cal/EPA, you're certainly welcome to pick  
2 up a copy.

3 --o0o--

4 CAL/EPA SPECIAL ASSISTANT HALL: The Air Resources  
5 Board, or ARB, distinguished by their December 2001 EJ  
6 policies and actions, have, to date, accomplished a number  
7 of EJ developments, including the ARB/District Complaint  
8 Resolution Protocol that outlines responsibilities when  
9 responding to community complaints about air pollution  
10 sources; and a public participation guidebook; a report on  
11 the adequacy of the monitoring network, which also  
12 included pollutant levels to which infants and children  
13 are exposed; a community health website; and several  
14 regulations that help reduce air pollution in EJ  
15 communities.

16 The Air Resource Board is currently working on a  
17 diesel risk reduction plan, improving emissions data in  
18 communities, method to assess cumulative impacts on  
19 communities, and development of an informational document  
20 for local air districts and government agencies called the  
21 Air Quality and Land Use Handbook.

22 The Department of Pesticide Regulation, or DPR, a  
23 Department that works to ensure all Californians get fair  
24 treatment in regards to pesticide regulation, has also  
25 been working on various EJ efforts. Some of the EJ

1 accomplishments include Methyl Bromide Regulation  
2 Workshops; a draft EJ implementation plan that's on their  
3 website for comment, and a Spanish translation of that  
4 draft plan; a new process for prioritizing pesticides for  
5 risk assessment; and the Northwestern California Tribal -  
6 Forestry Herbicide Monitoring Project. What a long title.

7 DPR is currently working on translation services  
8 for DPR documents, public participation, pesticide use  
9 inspections, a school IPM guidebook, and development of  
10 Pesticide Regulatory Process Handbook.

11 The Department of Toxic Substances Control, or  
12 DTSC, also actively engages in communities throughout  
13 California and have achieved a number of EJ  
14 accomplishments, including a public participation manual,  
15 training for their permitting division staff, and a draft  
16 EJ policy which is also available for public comment on  
17 their DTSC website.

18 DTSC is currently working on a public outreach  
19 training and surveys and finalization of their draft EJ  
20 policy.

21 The California Integrated Waste Management Board,  
22 or the CIWMB, is committed to reducing or eliminating the  
23 disproportionate impacts of pollution on low-income and  
24 minority communities in the waste arena.

25 This CIWMB has integrated EJ into their strategic

1 plan, is involved in the development of used oil and  
2 household hazardous waste in minority community gaps  
3 guidance document, and has also commissioned the UC Santa  
4 Cruz University in an environmental justice study to  
5 assess methods to increase public and community  
6 participation in waste processes.

7       The Waste Board is currently focused on  
8 finalization of its two EJ studies and the Cal/EPA  
9 environmental justice strategies.

10       The Office of Environmental Health Hazard  
11 Assessment, or OEHHA, promotes EJ by providing expertise  
12 on hazard assessments that may have a disproportionate  
13 impact on low-income and minority communities.

14       Some of OEHHA's EJ accomplishments include EJ  
15 integration in its 2001 strategic plan, EJ consideration  
16 in its fish consumption advisories, and Barrio Logan  
17 public outreach activities coordination with the Air  
18 Resources Board.

19       OEHHA's current EJ priorities include development  
20 of a draft EJ policy; race, socioeconomic status and  
21 exposure investigations; and children's environmental  
22 health protection; and worker protection regulations for  
23 farm workers.

24       And, finally, the State Water Resources Control  
25 Board, which works towards providing a transparent process

1 for all communities, local governments, tribes, and other  
2 interested parties, has several EJ accomplishments  
3 including a language assessment survey, grants to EJ  
4 communities, public participation, and a Calxico-Board  
5 coordination.

6       The Water Board's EJ priorities include a  
7 neighborhood action kit designed to guide community  
8 leaders in conducting gutter clean up and raise awareness  
9 about storm pollution, and a staff public participation  
10 guide that will help board staff increase public  
11 participation at board hearings and meetings.

12       In conclusion, Cal/EPA admits that the job to  
13 achieve environmental justice is very challenging and of  
14 course a job that's never done.

15       I was only able to highlight some of the BDOs'  
16 activities. And certainly please do make sure that you  
17 pick up a copy of the handout outside to provide yourself  
18 with detailed information about the boards' activities --  
19 boards and departments. It's the copy that says the  
20 current inventory of EJ activities, May 2004; 20-page  
21 document. Pretty lengthy.

22       Thank you.

23       CAL/EPA DEPUTY SECRETARY DODUC: Thanks, Malinda.

24               --o0o--

25       CAL/EPA DEPUTY SECRETARY DODUC: You should have a



1 diagram.

2       There we go. This diagram shows the two pathways  
3 that Cal/EPA is taking towards EJ implementation. There's  
4 the short-term interim process and there's the long-term  
5 strategic process, which is where I'll start.

6               --o0o--

7       CAL/EPA DEPUTY SECRETARY DODUC: This process is  
8 familiar to most of us. As required by law, Cal/EPA will  
9 develop an intra-agency EJ strategy for identifying and  
10 addressing gaps that may impede environmental justice.

11               --o0o--

12       CAL/EPA DEPUTY SECRETARY DODUC: Cal/EPA began this  
13 task over two years ago with the convening of the IWG and  
14 the EJ Advisory Committee. An extensive public process  
15 resulted in the Advisory Committee's comprehensive report  
16 issued in October of 2003. The report has thoughtful and  
17 far-reaching recommendations.

18       This Working Group, also in October 2003,  
19 approved a resolution endorsing the Advisory Committee  
20 report. Using that report and the resolution as guides,  
21 the staff developed an initial set of recommendations for  
22 the EJ strategy, which the Working Group will discuss  
23 today.

24               --o0o--

25       CAL/EPA DEPUTY SECRETARY DODUC: The Working

1 Group's charge is to finalize recommendations to the  
2 Secretary for development of the EJ strategy. The IWG can  
3 choose to do that today or direct staff to make revisions  
4 and bring another draft back to the group for  
5 consideration. If so, this next meeting would likely  
6 occur in July since the Secretary has set a goal of  
7 completing the strategy by September of this year.

8 --o0o--

9 CAL/EPA DEPUTY SECRETARY DODUC: Once the strategy  
10 is completed, each of Cal/EPA's Boards, Departments and  
11 Offices, our BDOs, is required to review its programs,  
12 policies and activities to identify and address any gaps  
13 that may impede environmental justice. This will involve  
14 the BDOs developing strategies and workplans specific to  
15 their programs. The time required to do this will vary  
16 between BDOs, but full completion could take some time,  
17 perhaps as long as 2006.

18 --o0o--

19 CAL/EPA DEPUTY SECRETARY DODUC: This long-term  
20 planning process is necessary to ensure that EJ  
21 implementation is thoughtful and deliberate.

22 However, we also need to explore new ideas, test  
23 new concepts for addressing critical EJ issues. We need  
24 to try different approaches and develop tools for EJ  
25 implementation. Thus the Secretary has directed staff to

1 develop an interim EJ action plan, with immediate actions  
2 to advance four priorities: Precautionary approaches,  
3 cumulative health impacts, community capacity building,  
4 and public participation. And as I've learned,  
5 communication is very important.

6 --o0o--

7 CAL/EPA DEPUTY SECRETARY DODUC: The activities in  
8 the action plan will feed back into the long-term planning  
9 process. And by the end of 2006 these efforts will  
10 combine into an integrated EJ implementation mechanism for  
11 Cal/EPA. Using both pathways ensures a comprehensive  
12 multi-faceted approach to EJ integration with both  
13 long-term strategic planning and short-term innovative  
14 actions. The EJ action plan will be discussed on June  
15 28th at a public workshop to be conducted by staff. For  
16 today's meeting however, we're focusing on developing  
17 recommendations for Cal/EPA's EJ strategy.

18 --o0o--

19 CAL/EPA DEPUTY SECRETARY DODUC: As I mentioned  
20 before, in preparing the staff proposal we were guided by  
21 the commitment in the IWG's resolution to use the goals  
22 and recommendations in the Advisory Committee report to  
23 provide the structure for developing the EJ strategy.  
24 Recognizing the constraints of Cal/EPA's legal authority  
25 and available resources, the IWG also expressed its intent

1 to implement those recommendations determined to be  
2 reasonable and feasible.

3 --o0o--

4 CAL/EPA DEPUTY SECRETARY DODUC: The Advisory  
5 Committee's comprehensive report contains four main goals,  
6 many thoughtful recommendations, and an alternative  
7 opinion. The Advisory Committee report also included  
8 recommendations that go beyond the scope of the IWG  
9 legislative mandate as well as recommendations that affect  
10 state entities outside of Cal/EPA.

11 --o0o--

12 CAL/EPA DEPUTY SECRETARY DODUC: The staff drew  
13 from the Advisory Committee report an initial set of  
14 recommendations for the EJ strategy. The proposal  
15 includes the four goals in the report and objectives or  
16 steps to achieve those goals.

17 In preparing the staff proposal, we did not  
18 eliminate or discount any of the recommendations in the  
19 Advisory Committee report. The report is a comprehensive  
20 and far-reaching document. It is the model and the  
21 reference from which Cal/EPA will continue to draw from as  
22 our EJ efforts advance and evolve.

23 The Advisory Committee report will guide Cal/EPA's  
24 EJ implementation for many years to come.

25 --o0o--

1 CAL/EPA DEPUTY SECRETARY DODUC: The staff is  
2 proposing that the EJ strategy provide a broad overarching  
3 vision to encompass all of the EJ activities conducted by  
4 Cal/EPA's Boards, Departments and Offices. Thus we  
5 included in the staff proposal broad concepts and themes  
6 that will allow the BDOs to address the many complex and  
7 varied issues necessary to achieve environmental justice  
8 in their BDOs' specific programs.

9 --o0o--

10 CAL/EPA DEPUTY SECRETARY DODUC: We also recommend  
11 that the EJ strategy be a living document, to be revisited  
12 as Cal/EPA's EJ efforts evolve over time. The strategy  
13 must be updated as the identified objectives are fulfilled  
14 and new ones are incorporated from the Advisory Committee  
15 report.

16 In this manner, the EJ strategy evolves as  
17 Cal/EPA's EJ efforts advance over time, as we adjust to  
18 changing resources and legal issues, and as we continue  
19 toward an EJ model represented in the Advisory Committee  
20 report.

21 Thank you. This concludes the staff  
22 presentation.

23 CAL/EPA SECRETARY TAMMINEN: Fantastic, as the  
24 Governor would say. Let's give them a little support  
25 here.

1 (Applause.)

2 CAL/EPA SECRETARY TAMMINEN: We all know how hard  
3 that was to put together, let alone perform. So come on,  
4 good job.

5 I know that we weren't really planning -- I know  
6 this is somewhat a formal process. We weren't planning on  
7 questions at this moment. But I do want to make sure that  
8 everybody understands the framework and really what Tam  
9 and Malinda just laid out.

10 Are there any questions that anyone has about how  
11 we got to where we are today? We're just going to -- just  
12 make sure everyone clearly understands the framework that  
13 we're working under.

14 Okay. Great.

15 DTSC DIRECTOR LOWRY: I have one question. And,  
16 that is, I received comments from a number of  
17 stakeholders, some as late as this morning. And was there  
18 an opportunity for input between the time that the  
19 original report was written that you drafted, the draft  
20 which is now in front of us, for those comments to come  
21 in? And you're looking quizzical. So what I'm worried  
22 about -- let me just state it in a different manner.

23 We've got a draft in front of us today, which I  
24 assume we're going to be asked to take some action on. We  
25 have comments, some of which I received this morning. I

1 wonder if staff has had an opportunity to analyze those  
2 comments and comment about them. My concern is that there  
3 may not be time enough for an adequate debate or analysis  
4 of those things. So I wonder if you've seen those  
5 comments before and whether you put those types of  
6 comments in the recommendations that you now have in front  
7 of us?

8 CAL/EPA DEPUTY SECRETARY DODUC: I have seen those  
9 comments. And, as you said, some of them came in as late  
10 as this morning. And the recommendation -- the proposal  
11 that you have in front of you is the original proposal  
12 that was released 30 days ago. So none of those comments  
13 have been incorporated.

14 DTSC DIRECTOR LOWRY: Well, I may have more to  
15 say about this as we go along.

16 CAL/EPA SECRETARY TAMMINEN: An important point.

17 Any other clarifications either from the panel or  
18 from the audience? I just want to be sure everyone  
19 understands, like I said, how we got here, where we're  
20 going from this moment.

21 DPR DIRECTOR HELLIKER: On the second track, the  
22 environmental action plan, there's a meeting scheduled in  
23 June for the staff workgroup. And I was just wondering if  
24 there are any thoughts about when this group would get  
25 together to hear comments from people that would be

1 reviewing that and also to make decisions about that as  
2 well.

3 CAL/EPA SECRETARY TAMMINEN: Well, I want to be  
4 sure that we're mindful of any notice requirements and so  
5 forth. So I think we have to actually just kind of take a  
6 look at the enabling legislation to make sure that we're  
7 doing this in terms of a public meeting and a public  
8 process adequately. I don't want to step on those  
9 particular toes. That's why I'm kind of deferring to you.

10 CAL/EPA DEPUTY SECRETARY DODUC: Well, okay.

11 CAL/EPA SECRETARY TAMMINEN: But, yes, in  
12 principle the idea we should have some kind of feedback  
13 meeting.

14 CAL/EPA DEPUTY SECRETARY DODUC: The EJ action  
15 plan is meant to be an interim plan which staff's taken to  
16 advance the Secretary's priorities. The IWG, under the  
17 Public Resources Code, is charged with developing  
18 recommendations for an EJ strategy itself. And so I'm not  
19 sure how formal a process is necessary to provide the  
20 feedback necessary between those two efforts.

21 Obviously, we would -- meaning the staff, will  
22 definitely engage the heads of the Boards, Departments and  
23 Office in order to determine important issues  
24 such as resources and timing as we proceed with the  
25 various activities of the action plan.



1 For now, however, the action plan is very much in  
2 its infancy. All we have is the outline. And so we would  
3 like to conduct the public meeting, get comments, flesh it  
4 out a little bit more, and then decide at that point,  
5 what the next steps are in terms of engaging the  
6 various boards and departments, talking about resources  
7 and making sure we proceed with those activities.

8 CAL/EPA SECRETARY TAMMINEN: And then obviously,  
9 to the degree that there is any overlay of public notice  
10 and whether it's required by law or just a good thing to  
11 do, want to make sure that there's adequate input, we  
12 would want to follow that as well.

13 All right. Thank you very much, Tam and Malinda.

14 I'd like to extend a special welcome now to our  
15 Co-chairs of the Environmental Justice Advisory Committee.  
16 And we will begin with Diane Takvorian of the  
17 Environmental Health Coalition.

18 Do we have a microphone phone set up for -- there  
19 we go.

20 All right. Thank you, Paul.

21 EJ ADVISORY COMMITTEE CO-CHAIRPERSON TAKVORIAN:

22 I don't know how to sit in this room without you  
23 right here.

24 Thank you very much, Secretary Tamminen and all  
25 of you BDOs. I don't know a generic name for you. I'm

1 Diane Takvorian with the Environmental Health Coalition,  
2 also Co-Chair of the Committee.

3 I want to thank Tam and Malinda for their very  
4 hard work to getting us to this point; also the members of  
5 the Committee that are here and those that weren't able to  
6 come today. We did, I think, two really incredibly hard  
7 years of work. And we really appreciate you taking  
8 environmental justice and giving the commitment that you  
9 have to it, Secretary Tamminen. And obviously this  
10 meeting today indicates -- and the work that you've done  
11 indicates your commitment to it.

12 I also want to recognize Romel Pascual and thank  
13 him for all the hard work that he did to get us here.

14 (Applause.)

15 EJ ADVISORY COMMITTEE CO-CHAIRPERSON TAKVORIAN:

16 So let me say that I never take off my  
17 Environmental Health Coalition hat. I think Dee has  
18 another hat that she never takes off. But I want to say  
19 that the -- so with both hats on, the strategy we think  
20 includes some very important highlights of the report.  
21 And we think that it obviously begins to lay the  
22 groundwork for the work that needs to be done.

23 We do, however, think that the Environmental  
24 Justice Action Plan is the kind of forward thinking and  
25 action oriented right now kind of activity that we need.

1 Environmental justice communities have waited too long.  
2 And so while we want to support the Agency's work in  
3 getting the strategy together, we need to see improvements  
4 in our communities right away. So we think the action  
5 plan, as a dual pathway, is exactly the way to go.

6 And, as I said, we already had a two-year process  
7 which resulted in, we think, a very good report, which had  
8 near unanimous approval. Over 300 environmental justice  
9 community and regulatory individuals and organizations  
10 supported the recommendations. And the -- and your group,  
11 the Interagency Working Group, endorsed it. So we think  
12 we're good to go with that.

13 My concern about -- our concern about the  
14 strategy is that it leaves out some, I think, very good  
15 recommendations that we really want you to pay attention  
16 to as part of the development of the strategy. And those  
17 were very thoroughly discussed, and I think that they need  
18 to be incorporated into the strategy.

19 Obviously, the two key areas that we think need  
20 to be paid attention to is the precautionary applications  
21 of the cumulative impacts reduction. We think that the --  
22 both of these continue to blow the box apart; that if we  
23 really can take a precautionary approach, we get out of  
24 the framework of chemical-by-chemical regulation, we get  
25 out of the framework of deciding that every use is

1 appropriate for every place if we just mitigate it long  
2 enough. So we really need to use the precautionary  
3 approach in a way that's practical and reasonable.  
4       So given that, we wanted to comment on your  
5 suggestions related to the action plan. And we support  
6 the emphasis on the precautionary application there. And  
7 we would support the same kind of approach that you  
8 address in the cumulative impacts. We think that it's  
9 very important to have pilot projects that actually show  
10 on the ground use of precaution in communities that really  
11 are desperately in need of that.

12       My view is that the longer we talk about  
13 precaution in the abstract, the more afraid we get of it.  
14 So I think we need to get out of the discussion stage and  
15 get into the practical hands-on way that we can apply it  
16 in our communities.

17       Let's look at real opportunities to reduce the  
18 use of toxics in our schools in municipal government.  
19 Let's look at the ways that we can eliminate some  
20 chemicals from use in industry and look at land-use  
21 guidance, a variety of other things that help us to take  
22 those steps. And then when they're reasonable and, you  
23 know, we're all still standing after we apply them, then I  
24 think that we can move forward.

25       Same thing with cumulative impacts. I think that

1 the more we can get practical and reasonable with hands-on  
2 applications, the better we'll do.

3 The last thing I want to say is that we would  
4 really love to honor the Advisory Committee's hard work  
5 and continue to use those talents. One suggestion is --  
6 that we'd hope that you'd think about is in the two  
7 workgroups that you recommend in the action plan, perhaps  
8 have the Advisory Committee divided and allow them to be  
9 part of either of those workgroups, so that we can -- we  
10 also can do hands-on work and get some real products  
11 accomplished.

12 So those are the suggestions that we have  
13 briefly. And we have a letter for you from six  
14 environmental justice organizations that you'll see on the  
15 letterhead.

16 CAL/EPA SECRETARY TAMMINEN: That would be this  
17 one?

18 EJ ADVISORY COMMITTEE CO-CHAIRPERSON TAKVORIAN:

19 Yes.

20 CAL/EPA SECRETARY TAMMINEN: Okay. Before you  
21 pass the mic. You mentioned ideas about pilot programs  
22 for precautionary approaches. Just off the top of your  
23 head, any specific ideas about what one might look like?  
24 Perhaps brainstorm for a second.

25 EJ ADVISORY COMMITTEE CO-CHAIRPERSON TAKVORIAN:

1 A pilot project?

2 CAL/EPA SECRETARY TAMMINEN: Yeah, yeah.

3 EJ ADVISORY COMMITTEE CO-CHAIRPERSON TAKVORIAN:

4 Well, I think --

5 CAL/EPA SECRETARY TAMMINEN: Nobody's taking

6 notes. Don't worry. We won't hold you to this.

7 EJ ADVISORY COMMITTEE CO-CHAIRPERSON TAKVORIAN:

8 I think there's a variety of ways of pilot

9 projects. For instance, I think that you could look at

10 municipal pollution prevention, if we want to combine

11 pollution prevention and precaution. The Environmental

12 Health Coalition some years ago did an analysis of all of

13 the toxics that are being used in the City of Chula Vista

14 in partnership with them. They were able to reduce their

15 use of toxics both in their fleets, in their printers --

16 in their printing facilities, in their janitorial work.

17 It was very much a community-worker partnership.

18 So we didn't always choose the least toxic. We

19 chose the ones that the workers liked best, very

20 interactive and something that reduced toxics in that

21 city, which is the second largest city in San Diego

22 County, by about 50 percent.

23 So we think that those are the kinds of projects

24 that -- it saved them a ton of money as well. I don't

25 remember how much. But --

1 CAL/EPA SECRETARY TAMMINEN: So might there  
2 actually even be something like that that we can go back  
3 and sort of audit -- I mean maybe you did an audit at the  
4 time -- so that we have a model? I mean perhaps you're  
5 going into new other pilot programs. But if there's one  
6 that's been done that we could look at and study, maybe  
7 there's some value in doing that in one that's already  
8 been accomplished and take a look at how it's worked.

9 How many years ago did you do that?

10 EJ ADVISORY COMMITTEE CO-CHAIRPERSON TAKVORIAN:

11 Did that about five or six years ago.

12 CAL/EPA SECRETARY TAMMINEN: So we could even now  
13 look five years later how much has stuck -- how much of  
14 those beliefs have been inculcated and carried forward to  
15 this day, what repercussions has it had? It would be  
16 great to study that as well as doing some pilot programs  
17 going forward.

18 EJ ADVISORY COMMITTEE CO-CHAIRPERSON TAKVORIAN:

19 Right, absolutely. And I know that there are  
20 people here who have done incredible work in schools, in  
21 reducing pesticide use in schools. And I think it's the  
22 same kind of approach, but taking it in classic chemical  
23 by classic chemical and reducing it. And that would  
24 really link up with the Governor's commitment to  
25 children's health.

1        So there are plenty of models out there, and lots  
2 of them are in communities that I think we'd want to bring  
3 those forward. And certainly we could do that at the  
4 industrial and community level as well.

5        CAL/EPA SECRETARY TAMMINEN: Great, great. Thank  
6 you.

7        We're now joined by Dee Allen, the other  
8 Co-Chair, from the City of Los Angeles, Department of  
9 Environmental Affairs.

10       EJ ADVISORY COMMITTEE CO-CHAIRPERSON ALLEN:

11       Well, I will -- my Co-Chair of course took most  
12 of my thunder, but that's okay.

13       CAL/EPA SECRETARY TAMMINEN: You'll find more.

14       EJ ADVISORY COMMITTEE CO-CHAIRPERSON ALLEN:

15       Actually, I just would like to add a couple  
16 things. I sit here as the Co-Chair and also head of an  
17 environmental office for a local government. And so I  
18 wear a number of hats.

19       What I'd like to say is that the Advisory  
20 Committee worked really, really hard, very committed over  
21 the last two years -- and some of them are here and you'll  
22 probably hear from them later -- and took this to heart in  
23 terms of the strategy. And I am very pleased to see that  
24 you've taken the recommendations and you're actually  
25 acting on them.



1       We have community members, we have a lot of  
2 stakeholders here. We had some give-and-takes. The first  
3 couple meetings were really rough. And I think at the end  
4 we came out with some great recommendations. And so I do  
5 appreciate their commitment.

6       I support the long-term strategy. I also support  
7 the action plan, because what we heard was it's going to  
8 take too long. And so we need to have an interim action  
9 plan to really deal with some of these issues and try to  
10 figure out how to address it. There are protocols that  
11 are lacking. Information was lacking. And so we need to  
12 have an action plan that really says we need to clean up  
13 our communities. An so we're supportive of that. We'd be  
14 happy to work with you on that. I think it is the right  
15 way to go, and then a program for the long-term strategy.

16       One thing that I would actually like to  
17 recommend, which would be very helpful for stakeholders,  
18 is the role that Cal/EPA can play in terms of a  
19 clearinghouse. As we've heard from Malinda today about  
20 the inventory of the things that the agencies are doing,  
21 that was really great because in one report compiled so  
22 that we could all understand and understand what they're  
23 doing. So the BDOs go and do their long-term strategy, we  
24 need to have a place -- one person or one body that we can  
25 go to figure out what's going on. Because as a local

1 government, I'm sure with environmental communities, we  
2 all -- we need to leverage our resources. And so having  
3 it in one place would be very, very helpful so that we can  
4 track it, you know, and you can get the input that you can  
5 use in terms of this strategy.

6       So with that, I think that's all that I have,  
7 unless you have any other questions for me as a local  
8 government. I'll be happy to answer those.

9       CAL/EPA SECRETARY TAMMINEN: Great.

10       Are there any questions from the panel for either  
11 of our Co-Chairs?

12       All right. Thank you both very much.

13       (Applause.)

14       CAL/EPA SECRETARY TAMMINEN: Now it's time for  
15 about the next 20 minutes, half an hour here, for the  
16 working group members to discuss the staff's  
17 recommendations. And I suggest that we might want to  
18 start with overall comments on the staff's suggested  
19 approach. And perhaps we can identify conceptual areas of  
20 consensus that we can move off from. And then obviously,  
21 let's be honest about any heartburn issues that might  
22 still need to be revised or that we want to ask staff to  
23 take a look at again.

24       And maybe we ought to just kind of go around the  
25 table and just get some initial feedback and give everyone

1 kind of a first chance to weigh in. And then we'll

2 discuss these items.

3 DPR DIRECTOR HELLIKER: Well, I guess one thing

4 that is causing me some concern, just listening to the

5 comments we've heard, is that there's this sense that

6 somehow there's a distinction between the elements in this

7 strategy document and some of the items in the action

8 plan. And I think that's really a distinction without

9 difference, because there's some elements in the action

10 plan which were just highlighted now, precaution and

11 cumulative risks, which actually are referenced in here.

12 So if there's a sense somehow that this long-term strategy

13 is going to be something that deals with those issues in

14 the long run and somehow in the meantime the action plan

15 is going to proceed ahead without dealing with the same

16 issues, I don't understand the difference.

17 And so I think I'm getting confused as to how

18 there's a difference in the strategy versus the action

19 plan, when really what we need to talk about are things

20 like: What do we mean precaution, and what do we mean by

21 cumulative risk?

22 And I do have some concerns about the comments

23 that I've heard about precaution encompassing reducing the

24 use of chemicals. Because I think that that's not really

25 what I would consider to be a precautionary approach. I

1 think it certainly makes sense that we focus on preventing  
2 pollution or preventing exposure that are -- there are  
3 exposures that are unacceptable. But just to eliminate  
4 the use of certain chemicals doesn't necessarily give us  
5 any benefit per se.

6       So I think we really need to cut to the chase and  
7 talk about what we mean by precaution before we try to  
8 start to analyze how we implement the precautionary  
9 approach.

10       And, similarly, cumulative impacts. I think we  
11 really need to know what we're talking about on cumulative  
12 impacts before we jump into action plans or before we try  
13 to develop a strategy associated with that.

14       I know those are the first elements that are  
15 listed in both documents. But to me it seems like rather  
16 than describing different documents for different  
17 purposes, those are really the issues that we need to  
18 address -- we need to collectively address them here at  
19 the board and department level because those are exactly  
20 the issues that we need to define what our actions are  
21 going to be. So to me it seems like, by defining a  
22 strategy and defining an action plan, we're confusing the  
23 issue when really those issues are common to both.

24       CAL/EPA SECRETARY TAMMINEN: So if I understand,  
25 just teeing up some issues when -- like I said, we'll go

1 around the table and tee up some issues -- one, is  
2 defining "precaution" and the other is the relationship  
3 between the action plan and the strategy document?

4 DPR DIRECTOR HELLIKER: And cumulative risk.

5 CAL/EPA SECRETARY TAMMINEN: Right.

6 Pete.

7 SWRCB BOARD MEMBER SILVA: I guess my question

8 for a state board is how -- I guess more process-wise how

9 we would go about, for example, picking some of the pilot

10 programs for projects and whether they'd be cross media.

11 And if they're not, for example, if they're much more

12 related, for example, to air quality, whether we would --

13 you would want us to pick out our own pilot projects that

14 we would prioritize.

15 I mean I'm just asking a question about

16 prioritization also. If we would get together as BDOs and

17 come up with a good cross-media project, or do you want

18 individual projects by departments? For example, in our

19 case it would be, I'm assuming, more either, for example,

20 getting the bond money out to communities or doing

21 something on our specific permits locally that affect

22 communities. So I'm not clear whether -- you know, who

23 picks the priority and then whether we strive more for a

24 cross-media project that involves all of us or whether we

25 go out and get our own. So I'm still a bit confused about

1 that part of it.

2 CAL/EPA SECRETARY TAMMINEN: Okay. I think just  
3 as a quick answer to that, at least my own thought about  
4 this was that we would in fact look at communities. We'd  
5 pick a pilot program that might be an entire community  
6 that's disproportionately impacted by, you know,  
7 cross-media pollution in some way, and see how we might  
8 work together on a pilot there to deal with it. But in  
9 the meantime that doesn't stop you from integrating these  
10 values into your daily work in the ways you just  
11 described, getting bond money out the door and that sort  
12 of thing. So please do it.

13 SWRCB BOARD MEMBER SILVA: Well, yeah, I didn't  
14 think it would proceed anyway. But I'm just saying in  
15 terms of these pilot projects -- and maybe I wasn't  
16 clear --

17 CAL/EPA SECRETARY TAMMINEN: And, again, just  
18 something to evolve and to kick around here. I mean it's  
19 not been set in stone.

20 SWRCB BOARD MEMBER SILVA: And also just to  
21 follow-up on Diane's comment. I think I like her comment  
22 of having members of the committee participate as much as  
23 they can. Maybe we could pick our own -- in terms of the  
24 Water Board, maybe pick a few members that are  
25 representing water issues, for example, that might help

1 us, guide us through our process. I think that's a good  
2 comment.

3 CAL/EPA SECRETARY TAMMINEN: Thanks.

4 Professor Lowry.

5 DTSC DIRECTOR LOWRY: I'm not sure my comments  
6 arise to that allocation.

7 I think I'd like to start out by saying there's  
8 been a tremendous amount of work done by a lot of people  
9 here. And if you read the comments that people have  
10 submitted, they boil down to very, in my view, narrow  
11 areas, which I think says a lot for the collaboration  
12 which has gone on in this entire process. And I think  
13 everyone should feel very, very good about it.

14 I'd like to echo a little bit of the comments  
15 that we just heard. Getting started in something which we  
16 have a strategy which may take several years to go,  
17 there's going to be a little bit of fits and starts here.  
18 But I think we're fully committed to doing it.

19 I wanted to address one issue which I think is  
20 pretty important. And, that is, in the issue of public  
21 participation and information.

22 I know we've had discussions about getting  
23 information to people having a single place for people to  
24 go, and I'd like really to endorse that, to get our  
25 information data collection efforts in order so that the

1 Water Board sites, our sites, and the air issues and  
2 projects, you can go to one place to get it done.  
3 And, frankly, I don't care where it is now. It  
4 can be in the office of the Secretary. We can contract  
5 with one of the BDOs or something. I think once the  
6 communities can get the information, know where it is,  
7 have an available way to get it, we will be well on the  
8 way to where we need to go.

9 And I also think that that will help  
10 significantly in the cumulative impacts analysis that I  
11 think we're all interested in. And I recognize that there  
12 are scientific issues which probably still need to be  
13 resolved here. Are we talking cumulative impacts? Are we  
14 talking synergistic impacts? And when we get down to that  
15 level, I think we'll also probably be a little beyond 2006  
16 when we get there.

17 CAL/EPA SECRETARY TAMMINEN: Very good. Thank  
18 you.

19 Malinda, do you have any additional comments  
20 beyond since you've done all this work?

21 CAL/EPA SPECIAL ASSISTANT HALL: No. I think it's  
22 a great process.

23 (Laughter.)

24 CAL/EPA SECRETARY TAMMINEN: Tam.

25 CAL/EPA DEPUTY SECRETARY DODUC: Pass for now.



1 CAL/EPA SECRETARY TAMMINEN: All right. And by  
2 the way, I want to echo something Ed just said. You know,  
3 I acknowledge Tam and Malinda in particular for the amount  
4 of work they did on this meeting and the documents and so  
5 forth. But we have coordinators in each one of the BDOs.  
6 And obviously everyone in this room has played a role, and  
7 many people who aren't here, as Diane mentioned. So  
8 please accept our sincere thanks to everybody who's really  
9 rolled up their sleeves for many, many hours to work on  
10 these issues, and I know will continue to do so.

11 GOVERNOR'S OFFICE OF PLANNING AND RESEARCH ACTING  
12 DIRECTOR BOEL: My first thought -- am I on?

13 CAL/EPA SECRETARY TAMMINEN: I think so.

14 GOVERNOR'S OFFICE OF PLANNING AND RESEARCH ACTING

15 DIRECTOR BOEL: I have to admit to you that I don't have  
16 the background that most of the people here do on  
17 environmental justice issues. I've read all the reports  
18 and found them very interesting. But we have yet to add  
19 anyone to our staff to handle this issue. It's something  
20 that we've been looking at doing and are trying to do  
21 right now, but we have not yet completed that. So I don't  
22 have an expert dealing with it.

23 But I do come from a business background. So I  
24 would have to say that my main concern in reading  
25 everything is that we take a balanced approach to

1 environmental justice. And I've seen some reports that  
2 have come in, particularly from CCEEB, that talks about  
3 the concerns about impacts on the business community and  
4 impacts on the jobs area. I know that's of great concern  
5 to the Governor. And so that would be one of the things  
6 that we'll be looking at. OPR's going to do a full  
7 analysis of the strategy. We're also going to have some  
8 involvement by DT&H to look at those concerns.

9 CAL/EPA SECRETARY TAMMINEN: Thanks, Jan.

10 ARB ADVISOR PRASAD: I also would like to echo  
11 the appreciation and thanks to the Environmental Justice  
12 Advisory Committee and also to the lead role that Romel  
13 played in preparing the document.

14 Having been involved with this right from the  
15 beginning for six years, I think I understand where the  
16 Secretary's coming in terms of an action plan and the loop  
17 of feed back into the strategy of the other plan. And  
18 partly because of my also dealing with the working group  
19 internally has been able to make it very clear to me.

20 And also probably the action items that some of  
21 the things that are called almost like a low hanging  
22 fruits by some. I'm sick of -- I'm sick of -- I'm tired  
23 of being sick, of being tired and sick. Those are a  
24 common thing that people say, and that's the reason that  
25 people are looking for action, immediate action and sort

1 of ground-level changes.

2 And the ARB is also moving in that direction, and  
3 actually in-house we have been thinking and contemplating  
4 on what sort of pilot projects can be projected on both in  
5 terms of the multimedia as well as the single media.

6 But one thing I also want to ask to be sure  
7 that -- we as a group may need to focus on is the issue of  
8 cumulative impacts, as Paul mentioned, because our  
9 committee, I think it becomes a policy call in terms of  
10 what is a cumulative impact we are after. All signs show  
11 that is going to take us ten years of research commitment  
12 in order to develop that kind of a framework on it.

13 And because the EJ in reality actually only is a  
14 temporary definition in the report of what the cumulative  
15 impacts should be, and it is worth taking a look at it.  
16 And it also kind of says that in six months we develop a  
17 definition of that cumulative impact, that the Cal/EPA  
18 develop that.

19 So that is one issue that I think I want to bring  
20 it forth as an issue that needs to be considered in a  
21 short time so that we all kind of follow the same across  
22 the BDOs what we are after in all of the cumulative  
23 impacts.

24 Thank you.

25 CAL/EPA SECRETARY TAMMINEN: Thank you very much.

1 Thoughtful comments.

2 CIWMB CHAIRPERSON MOULTON-PATTERSON: Thank you.

3 Two areas. And I really like Diane's statement  
4 about the role of Cal/EPA being a clearinghouse. And I  
5 guess -- you know, we've commissioned this environmental  
6 justice study from UC Santa Cruz. We're getting a  
7 report -- and then we've also done work with California  
8 State University at Sacramento on a tool kit.

9 I just want to make sure that some of the work  
10 that we're doing as individual boards and departments  
11 doesn't get lost. I mean how are we going to coordinate  
12 all that? And that's one thing I'd like to be looking  
13 into and make sure that, you know, we're not duplicating  
14 anything.

15 And then my second is more of a question. You  
16 know, the Board took a very -- this group took a  
17 courageous position, I thought, in adopting a  
18 precautionary principle as a formal motion at the end of  
19 the last administration. Does that still hold? Does that  
20 action still -- that is -- yes.

21 CAL/EPA DEPUTY SECRETARY DODUC: I'm not sure what  
22 action you are talking about. At the last meeting the IWG  
23 passed a resolution which essentially accepts and endorses  
24 the Advisory Committee's report in its totality, and  
25 committed to using the recommendations and goals in that

1 report to develop the EJ strategy.

2 I wasn't aware that there was another action

3 besides the passage of that resolution.

4 CIWMB CHAIRPERSON MOULTON-PATTERSON: Well, we're

5 probably talking about the same thing, Tam. I made the

6 motion. And I just -- just thought I'd get it out on the

7 table, you know. We spent a lot of time on it.

8 CAL/EPA DEPUTY SECRETARY DODUC: No, that

9 resolution is definitely still very valid, and it is the

10 guide that we use in proceeding to this step today.

11 CIWMB CHAIRPERSON MOULTON-PATTERSON: Okay.

12 Thank you.

13 CAL/EPA SECRETARY TAMMINEN: Next one up.

14 Val.

15 OEHHA CHIEF DEPUTY DIRECTOR SIEBAL: Well, Mr.

16 Secretary, as one of the science arms here at Cal/EPA,

17 we've had a chance to talk a little bit about the strategy

18 before us. And a couple of things I think that we've come

19 to. One is whatever we end up doing, we've got to make

20 sure we maintain an open process here, so we get lots of

21 participation. Because we're going to be moving in a new

22 territory. And my scientists tell me, probably in working

23 with Paul and some of Ed's folks, that you have the

24 horsepower, the science horsepower to do what you're

25 proposing here in the action plan itself. It's going to

1 take some more definition. We think because it is a  
2 strategy, probably you don't want to define everything,  
3 because you're going to be able to make some changes. As  
4 you move along, you get some experience with the strategy.

5       So maintain some flexibilities, but know that  
6 you've got the science horsepower to make it happen.

7       CAL/EPA SECRETARY TAMMINEN: Great. Well, it  
8 sounds like we are in fact doing exactly this approach of  
9 trying to identify some conceptual areas of consensus or  
10 heartburn, Tam's two categories; where it sounds like  
11 there's a general desire to work on some definitions and  
12 to coordinate -- figure out how to coordinate efforts  
13 better, the clearinghouse concept and no duplication,  
14 which includes an open process.

15       To understand the relationship between the action  
16 plan and the strategy document -- I think we might  
17 dispense with that one first because it's -- I think  
18 that's kind of the easiest one, and Shankar kind of  
19 mentioned that, too. I mean in my view, the way I sort of  
20 saw this initially was that, again, as we've seen, the  
21 strategy document because of the way the process is set up  
22 is going to take some time, you know, to complete.

23       So the action plan is more to work on the things  
24 that we know today, we really need to deal with and  
25 address. We don't need another two or three year process

1 to begin to work. I mean even as Pete just identified a  
2 couple of things that he just pledged on behalf of the  
3 Water Board to get started with immediately. Thank you,  
4 Pete.

5 (Laughter.)

6 CAL/EPA SECRETARY TAMMINEN: Is Celeste still  
7 here? Is she choking yet?

8 (Laughter.)

9 CAL/EPA SECRETARY TAMMINEN: Very good. Okay,  
10 good.

11 So the notion was the action plan was to try to  
12 begin to identify some areas and particularly perhaps some  
13 pilot programs that we could engage in. And maybe the  
14 term "interim" ought to be put in there, an interim action  
15 plan. And as you get started on implementation of some of  
16 these ideas, it informs the strategy, it helps us -- kind  
17 of tells us what works and what doesn't.

18 So perhaps just by getting the word "interim" in  
19 front of "action plan" it will help us realize that, it's  
20 a bit of chicken or the egg here, but we're trying to make  
21 sure that we don't just use process as a reason for delay.  
22 I mean not that we have. Again, this lengthy 20-page  
23 document shows there's a lot of things already going on.  
24 So it's not to, in any way dismiss those. But to take  
25 that and bring it together in a more holistic fashion and

1 move forward essentially on some of these recommendations  
2 and then learn from that as time goes on.

3 Adaptive management, I mean kind of what Val was  
4 talking about, learn from more experience by gaining more  
5 experience.

6 CAL/EPA DEPUTY SECRETARY DODUC: Could I jump in  
7 and now move it to that as well.

8 When we talk about the strategy, I think we're  
9 talking about the strategic process. We're talking about  
10 not only the interagency EJ strategy that's being  
11 discussed today. But according to the requirements of the  
12 Public Resources Code, once that strategy is finalized,  
13 the Boards and Departments must then use the strategy in  
14 reviewing their programs and identifying gaps that may  
15 exist and addressing those gaps.

16 So together the strategy, the review of programs,  
17 the identification of gaps, the addressing of gaps creates  
18 this long-term process that would start with the strategy,  
19 but would also include BDOs' specific strategies as well  
20 as BDOs' workplan to address any gaps that are determined.

21 Now, the way that staff has sort of viewed the  
22 action plan is: During that long-term process, we want to  
23 be looking at specific issues and priorities; but, more  
24 importantly, we want to try to test some ideas, to  
25 implement some pilots, maybe test some definitions, test



1 some tools and concepts. Some may work. Some won't.

2

3 But the idea is that through the interim action plan and  
4 those activities and testing out of these ideas and the  
5 implementation of pilot projects, we would be developing  
6 tools and guidance that would feed back into the boards'  
7 and departments' efforts as they identify gaps, as they  
8 develop their strategies and workplans.

9 And so I do -- well, maybe because I've been  
10 working on it -- we've been working on it for way too  
11 long. But in our minds there is a clear distinction  
12 between the strategic process, which is a planning  
13 process, and the action plan, which implements specific  
14 short-term activities, tests ideas to create tools that  
15 will help and assist in the long-term strategic process.

16 CAL/EPA SECRETARY TAMMINEN: Very good.

17 Comments on that? Why don't we just talk about  
18 that while we've got that issue on the table. And I do  
19 want to visit the balance issue and the other issues that  
20 people raised. But why don't we start with that, because  
21 I can see Paul was itching to jump in.

22 DPR DIRECTOR HELLIKER: Well, I guess I don't see  
23 the issues that we're addressing and all of the issues  
24 we're addressing the strategy as something that's going to  
25 be a long-term process. Because there are references in

1 the strategy -- for example, Goal 3b: "Develop tools and  
2 approaches to assess and reduce adverse cumulative  
3 impacts." That language is almost exactly the language  
4 that's in the interim action plan.

5       So to me it seems like we've got the same thing  
6 in each one. And I think -- I'm not interested in  
7 dragging things out and waiting until we develop  
8 strategies and criteria and all of the other things that  
9 Tam was just talking about. Let's do that now. And I  
10 think that's what the action plan references.

11       The concern I have is that we're not doing it in  
12 this forum. We're doing it in another forum. And I think  
13 there's -- there is a recognition that there are  
14 constraints on our ability to discuss all of those issues  
15 collectively because there is an Interagency Working Group  
16 that's been established by legislation.

17       And I think that we need to go through whatever  
18 processes we need to go through as an interagency working  
19 group to address those issues that are in the action plan,  
20 but we need to address immediately and do it among all of  
21 us. Because those are exactly the issues that we have to  
22 consider when we're developing our own board and  
23 department action plans, operating plans.

24       So that's where the disconnect happens for me, is  
25 we've got the action plan that's going to be -- that's

1 been developed by the staff and it's going to be  
2 considered at a June meeting that's -- a staff meeting.  
3 And there needs to be the participation of this group in  
4 that discussion. We need to define what we mean by  
5 cumulative risk so that we know what we're talking about  
6 when we develop these pilot projects, which I think we  
7 need to do immediately.

8       And that's one of the elements in the action  
9 plan. It talks about defining what we mean by cumulative  
10 risk and then implementing in the action plan the projects  
11 to do that. So that's my main concern, is that we don't  
12 have this group participating in the action plan, which is  
13 similar in the document to the strategy in a sense that  
14 somehow the strategy is a long-term document, which I  
15 don't think it is. I think we need to address those  
16 issues now.

17       CAL/EPA SECRETARY TAMMINEN: Yeah, I don't  
18 disagree with that. Although again, as Tam pointed out,  
19 the strategy has a certain statutory pace, if I'm putting  
20 that correctly. And there's things that we want to -- I  
21 mean the whole 20-page document of all the things that  
22 we're currently doing would be eliminated if we simply,  
23 you know, waited for the strategies.

24       So I think it's just really -- the action plan is  
25 really just a matter of coalescing some of these ideas and

1 maybe taking them a little -- a step further, but not

2 something that should be mutually exclusive.

3 Other comments on this particular piece?

4 Why don't we go on to definitions then. I mean

5 I'm not sure again that that's one we can solve today, as

6 Val said. I think that's one that perhaps is adaptive,

7 you learn. And that's where again some of these pilot

8 programs might help us as well.

9 But other comments on definitions?

10 CAL/EPA DEPUTY SECRETARY DODUC: If I can give a

11 couple of thoughts.

12 For me to come to a definition is almost like the

13 question of the chicken or the egg, what comes first? Do

14 we spend the next few months -- I'm told that developing a

15 common definition may take up to six months, a year,

16 depending on the discussion and the consensus

17 that has to be built on those definitions.

18 So do we spend that effort to develop those

19 common definitions first? Or do we proceed and try some

20 ideas, try some various possibilities of what

21 cumulative impacts could be, various possibilities of how

22 we would measure those and learn from the pilots; and at

23 the end of the pilot projects come together with our

24 findings and from that develop some common definitions

25 based on the experiences that we've had?

1 What comes first?

2 CAL/EPA SECRETARY TAMMINEN: Go ahead. No

3 particular -- I think Ed's waiting to say something. Val,

4 Shankar --

5 OEHHH CHIEF DEPUTY DIRECTOR SIEBAL: I definitely

6 support the approach Tam just laid out there. I think

7 we're going to learn a lot. I think we're going to have

8 to have some definitions, maybe more than we've got right.

9 I don't know which ones those are necessarily. But I

10 think we've just got to get our feet wet here and learn

11 from that. So I'm with you, Tam, on that one.

12 ARB ADVISOR PRASAD: I heard one thing that this

13 is a feedback and it looks as complicated as a certain

14 equation, strategy document. I think I agree. But still

15 in terms of moving even with an action plan, I think we

16 need to have some kind of an interim definition of those

17 things. It might modify the strategy document. But in

18 terms of the understanding of cumulative impacts on a

19 precautionary -- for what we are going to deal with, it

20 should be kind of clear across all the BDOs.

21 And that was one of the reasons I think the -- if

22 you recall the discussions that the EJ Advisory Committee

23 had on the last of its meetings in Oakland how they --

24 there was a big debate on that and gave it some kind of a

25 temporary guidance. Should we follow that as an interim

1 guidance? That's another thing that we could consider,  
2 instead of saying that, "Okay, there is some amount of  
3 guidance given there. Should we follow that as a way to  
4 move?" Maybe one of the things to consider.

5 DTSC DIRECTOR LOWRY: The whole issue of  
6 definitions I think is the part that gives me the most  
7 concern about where things can go wrong. I know we've got  
8 a number of comments to us today which seem to focus on  
9 definitions and words -- which I guess is the same thing.  
10 How do you reduce cumulative impacts if there is an  
11 inability to get to a consensus as to what they are? How  
12 do you define precaution in a document where everyone  
13 struggles never to say those words?

14 (Laughter.)

15 DTSC DIRECTOR LOWRY: And how are we going to  
16 measure success without defining them?

17 On the other hand, I fully subscribe to your  
18 issue and the Governor's issue, which is we need some  
19 action here. And maybe we're at a point where we know  
20 what these things are when we see them and we're spending  
21 far too much time and energy parsing words.

22 So having said all of this, I'm getting to  
23 Shankar's point I think, which is if we try some things,  
24 maybe we'll all feel a little bit better about what the  
25 definitions are, recognizing that it may be hard to start

1 when the definitions aren't as clear as they might be.

2 CAL/EPA SECRETARY TAMMINEN: Fair enough. And,

3 you know, I mean I think this kind of also gets us to the

4 point about balance and jobs and so forth, is that in

5 defining communities that have had disproportionate

6 impacts -- you know, certainly we want balance, we want to

7 understand California's going to be growing, we've got to

8 rebuild our economy and so forth. But I think we have to

9 start with the understanding that the baseline definition

10 that communities that have environmental justice

11 challenges are, by definition, those that have been

12 disproportionately impacted and are not starting on a

13 level playing field.

14 So if we're going to talk about balance, we have

15 to start with the fact that these communities are in

16 deficit, if you will, and that we've got to figure out the

17 ways to correct that imbalance even as we go forward and

18 think about other kinds of balances, if you get what I'm

19 saying.

20 It's as tortured as you can get, but there it is.

21 (Laughter.)

22 CAL/EPA SECRETARY TAMMINEN: So I think we've teed

23 up. And actually, you know, Ed's point before about the

24 fact that, you know, the kind of areas of a potential

25 dispute are fairly narrow and -- not simple, by any means,

1 but narrow is right. But it's a good thing. It looks  
2 like, you know, an awful lot has been done to help us get  
3 on the same page. And we've got a few things we need to  
4 try to parse out here.

5 And I'm sure we're going to get a lot of comment  
6 on that in the public comment section. And maybe this  
7 discussion has helped tee up or even change some of the  
8 things our members in the public are going to say during  
9 testimony over the next hour and a half or so.

10 But prior to that, are there other comments or  
11 discussion that anyone here on the panel would like to  
12 raise before we take our break and then get into the  
13 public comment, which I think is really the meat of this?

14 Anyone else?

15 Malinda, Tam?

16 Going once, going twice.

17 Okay. Very helpful discussion, very useful.

18 Thank you very much.

19 So let's take till 5:30 by that clock. And at  
20 5:30 promptly we will get started again.

21 Is that an adequate period of time for our  
22 translator and our court reporter?

23 Great.

24 Thank you very much. So we'll be adjourned for  
25 ten minutes. Thank you.



1 (Thereupon a recess was taken.)

2 CAL/EPA SECRETARY TAMMINEN: All right. Can we

3 get everybody to the resume their seats.

4 I gave you five extra minutes there.

5 We're on Sacramento time.

6 So ladies and gentlemen, the time has come for us

7 to start our public comment period. And I think we have

8 quite a few speakers who have signed up.

9 We do want to get to everyone. And in the

10 interests of trying to get everyone out of here roughly by

11 seven, as we had promised, I hate to do this, having been

12 on the other side of the table so often, but we are going

13 to ask people to limit their comments to no more than

14 three minutes. And if you've submitted written comments,

15 perhaps you could just refer to those and keep your oral

16 comments fairly brief.

17 Also, let me ask you, if you hear someone before

18 you pretty much say what you would have said, identify

19 yourself and perhaps just indicate that you agree with

20 what that person said or refer to that person. As much as

21 we'd like to spend more time and hear in great detail from

22 everyone, again we just -- we've got a limited amount of

23 time.

24 So we do welcome any additional comments in

25 writing. If you hear things throughout the course of the

1 afternoon that you feel haven't been covered and didn't  
2 get a chance to speak, please, please submit them in  
3 writing. And the best way to do that is -- Tam, you want  
4 to just quickly highlight how to do written comments, I  
5 mean who to send them to.

6 CAL/EPA DEPUTY SECRETARY DODUC: Oh. Send them to  
7 either myself or Malinda Hall, at tdoduc@Cal/EPA.ca.gov or  
8 mhall@Cal/EPA.ca.gov, or mail them to us at 1001 I Street,  
9 Sacramento, California 95814.

10 CAL/EPA SECRETARY TAMMINEN: Great. Good.

11 All right. So let's get right into it. We'll  
12 ask our speakers to come up here and take a seat. And so  
13 I'll ask Tam to identify the first three speakers so that  
14 we can have people lined up and don't spend too much time  
15 jogging back and forth.

16 Again, I do want to hear everyone's comments as  
17 thoroughly and thoughtfully as they feel they need to  
18 present them. So let's keep as much time as possible.  
19 All right.

20 CAL/EPA DEPUTY SECRETARY DODUC: And I will  
21 apologize ahead of time for mangling people's names.

22 First we have Randal Friedman, Martha Arguello,  
23 and Sean Edgar.

24 MR. FRIEDMAN: Good evening. I have the dubious  
25 honor of starting off.

1        Anyway, my name is Randal Friedman. I'm here on  
2 behalf on Navy Region Southwest and Navy installations in  
3 California.

4        We have long recognized the need to work closely  
5 with surrounding communities in a variety of fronts. Well  
6 over a decade the scope of work required to remediate past  
7 hazardous substance contamination of installations  
8 prompted us to create a formal process that closely  
9 involve surrounding communities. The formation of  
10 restoration advisory boards insures that local officials  
11 in the public receive all cleanup documents and have a  
12 seat at the table to discuss cleanup issues, goals and  
13 solutions as part of a multi-billion dollar commitment to  
14 remediate these sites.

15       We are also committed to reducing the impacts on  
16 surrounding communities through a strong embracement of  
17 pollution prevention measures. Through a variety of  
18 measures we've significantly reduced the amount of air  
19 toxics our installations emit, the hazardous waste  
20 installations, transport offsite, and other discharges.  
21 In the last year we also signed a formal agreement with  
22 Cal/EPA for a pollution prevention partnership. We worked  
23 actively with small business to help innovation of  
24 pollution prevention.

25       We don't -- want to reduce pollution. But

1 there's one thing that I want to bring up that I don't  
2 think you'll find anywhere in your report and, that is,  
3 some of the institutional barriers to reducing pollution.  
4 And one of my favorite examples of this, and apologies to  
5 DTSC, because Director Lowry is the one who solved this,  
6 but is the recycling of aerosol cans, that took five years  
7 to get the necessary approvals to do something as simple  
8 as recycling aerosol cans instead of disposing of them as  
9 waste, something that was happening in 49 other states but  
10 California.

11 I would submit to you that the pollution created  
12 by the failure to incorporate pollution technology is the  
13 same pollution that local communities are exposed to as  
14 well. I mean pollution is pollution. And I'd like to see  
15 some of the attention -- I would suggest that some of the  
16 attention of this effort go to identifying the  
17 institutional barriers that keep pollution prevention  
18 technology from being installed in California, from being  
19 developed in California, and something that I don't  
20 believe has really been addressed in this effort to date.

21 We do have one specific comment involving Goal 3,  
22 which is improved research and data collection for  
23 environmental justice purposes. Our single concern is  
24 that in the effort to implement environmental justice  
25 issues and in recognition of the many different agendas

1 that different stakeholders have, that research data  
2 projects be based on sound science and not designed to  
3 reach a preordained conclusion. In designing such efforts  
4 all stakeholders must be included in the project design  
5 and implementation.

6 As a final thought, we would suggest that you  
7 consider the full extent of the many positive existing  
8 programs throughout Cal/EPA and recognize that within these  
9 programs substantive environmental justice measures  
10 already exist. Any program that involves the duplication  
11 of existing programs will detract from the resources  
12 available for the active restoration of California's  
13 environment by us and everyone else. And I don't think  
14 you need to reinvent the wheel. There's many good  
15 programs in place. And it would be a shame to do  
16 something a second time that's already been done.

17 Thank you. And we'll be available for any  
18 questions.

19 CAL/EPA SECRETARY TAMMINEN: Thank you very much.

20 By the way, I think there may still be cookies in  
21 the back of the room. You're all welcome to those. As  
22 the hour gets later, you may need them.

23 And since it's after 5 o'clock, we can all take  
24 off our ties.

25 (Laughter.)

1 MS. ARGUELLO: Good afternoon.

2 A couple of recommendations and then a general  
3 comment.

4 We think that it would be wise in terms of moving  
5 this agenda forward if the Committee would consider  
6 meeting more often. I think that the amount of work that  
7 has to be done requires that.

8 And the second question is: What kinds of  
9 resources is the Department going to put forward for this  
10 effort?

11 And then third, this is just a general comment.  
12 I may be a little bit slow. But whenever I hear the  
13 Director of Pesticide Regulation speak I get extremely  
14 confused. I remember a comment that Ed Lowry made about  
15 what the impact was of going on a toxic tour of southeast  
16 L.A. And I heard what I thought was one of the most  
17 principled answers from a public servant, is that he would  
18 never place another facility there because he saw the way  
19 people lived cumulative. They're exposed to a number of  
20 chemicals. And he saw that that was not right, and as a  
21 regulator you need to act.

22 One of the first things that we did when Paul  
23 took his job with Californian Department of Pesticide Regulation was to  
24 take him on a tour of California and to really understand  
25 how people live and experience the use of pesticides in

1 California. And we're one of the largest users in the  
2 world of pesticides.

3 At the end of that tour, we understood that he  
4 wasn't going to understand the concept of prevention as  
5 reducing the use of pesticides or understanding that  
6 people -- and we saw people in communities and fields  
7 being applied with multiple chemicals, multiple  
8 pesticides, and still not understand cumulative impacts.

9 And so I find that extremely problematic. And  
10 those problematic issues filter down to the fact that they  
11 have an environmental justice document on their website  
12 where many communities were not consulted before that  
13 document was put forward.

14 So while I hear people say, well, you know,  
15 there's this committee working on this process and another  
16 committee working on this process, and, you know, when do  
17 we start? Well, the easiest thing to do is actually call  
18 the advocates who really want to be part of the process  
19 and have great ideas and live these experiences every day,  
20 so that you, as regulators, can really protect the public  
21 trust, prevent further harm. And do what you can now.  
22 And we can do a lot more and we should be doing a lot  
23 better, Paul.

24 CAL/EPA SECRETARY TAMMINEN: Thank you. Just for  
25 the record identify yourself.

1 MS. ARGUELLO: Martha Arguello, Physicians for  
2 Social Responsibility.

3 CAL/EPA SECRETARY TAMMINEN: All right. Thank  
4 you.

5 Next up. And, again, please identify yourself as  
6 you begin for the record.

7 MR. EDGAR: Mr. Secretary and panel members, good  
8 afternoon -- or good evening, I should say. Sean Edgar,  
9 Director of Regulatory Affairs for the California Refuse  
10 Removal Council.

11 I was going to start off with my own quote,  
12 saying, "An ounce of prevention is worth a pound of cure."  
13 But the hour is getting late, so I will move forward.

14 I think from our folks' perspective -- we're the  
15 private independent haulers in the solid waste and  
16 recycling field -- to borrow from the blow-up-the-box  
17 discussion, our folks recycle the box every week from five  
18 and a half million Californians implementing curbside  
19 recycling programs throughout the state, from San Diego to  
20 the Sierras, Sacramento to the beautiful Bay Area.

21 And I noticed, Secretary Tamminen, in your  
22 message to sit next to someone you've never sat next to  
23 before, I'm looking around the room and we have a very  
24 diverse group here. However, at one time or another  
25 private solid waste industry has sat next to most of the



1 people in the room, specifically the Sierra Club, with  
2 regard to the bottle bill and rolling out curbside  
3 recycling programs and beverage container, litter  
4 reduction, we've stood next to them.

5 In the implementation of AB 939 we've stood next  
6 to our local government partners. Madam Chairwoman  
7 Moulton-Patterson, with your leadership, your staff, the  
8 Board members, Director Leary, we've embraced AB 939 and  
9 we've brought a sustainable recycling program to the  
10 benefit of public health in the State of California. And  
11 we do so for every five and a half million Californians,  
12 with a victory of 47 percent recycling for the 50 percent  
13 mandate. And that was a very broad-sweeping mandate. It  
14 was something that was very aggressive at the time.

15 And if we would have used too much precaution in  
16 1989, we would have never gotten to 47 percent. Because  
17 if we told anybody in this room that we would put an  
18 employee behind a quarter inch of glass, driving a 55,000  
19 pound vehicle, making stops in front of people's  
20 communities at 3 a.m., it probably wouldn't have happened,  
21 curbside recycling.

22 So I'm here to say we can't throw caution to the  
23 wind as we move forward on discussing a precautionary  
24 principle.

25 We do throw on a formal network where we

1 interface with a lot of the environmental organizations.  
2 We also do so on a very informal network with the  
3 communities that we serve. And we do that by performing  
4 services to clean up illegal dumping in communities. By  
5 sanitation improvements, by convenience and persistence  
6 we've been able to bring recycling to the urban community  
7 and the rural community. And we do so, like I say, 100  
8 companies providing service to more than 100 California  
9 cities.

10 We are the folks of pollution prevention. And  
11 why are we here? Well, we're here because we've made a  
12 sustainable business from protecting environment. If you  
13 asked the Waste Board to look into their files over the  
14 last decade, we've created somewhere around 85,000 jobs.  
15 We have a diverse ownership and we have diverse employees.  
16 Most of the companies I work for are Italian American and  
17 Armenian Americans. And at the time they came here 60, 70  
18 years ago, that was the only rung on the social ladder  
19 that they we're able to occupy. They did so with pride  
20 and they made a sustainable environment in the process.

21 Currently, our employers -- as employers we offer  
22 a lot of organized jobs, where they have good pay and good  
23 benefits for a very diverse work force.

24 Just very brief comments on a few of the goals,  
25 because I think we share common goals. How do we get

1 there with a common purpose? Number 1, your Goal 1a on  
2 local meaningful public participation. We do it now. We  
3 do it through the CEQA process. We do it through a  
4 process where, AB 1497 is an example, gave us a new public  
5 hearing last year. We've embraced it. We're figuring out  
6 how to make it work. CEQA is the framework.

7 And putting a wild finish at the end of the  
8 process into a big brother in Sacramento to say whether we  
9 can get the facility built when it's a facility designed  
10 for the local community, we don't think that's right. So  
11 what we're going to -- we're going to prioritize local  
12 control over the planning process.

13 On fair and equal implementation, CEQA is the  
14 equity that provides us the framework to be able to move  
15 forward. We think that performance-based standards that  
16 are achievable and realistic are going to get us to where  
17 we need to be. The ARB just proposed the most aggressive  
18 program to retrofit or replace over 12,000 garbage trucks  
19 in the State of California. Sure, we can make it happen.  
20 We want to make it happen. But absent a mechanism to be  
21 able to share that cost with our customer, guess what? It  
22 won't happen any time soon.

23 In closing, I want to say that we're shoulder to  
24 shoulder with the goals of this panel and the goals of the  
25 folks in the room. We're not the insiders here in

1 Sacramento. We're the folks that provide service in your  
2 communities. We're serious. We're motivated. We want to  
3 continue the dialogue. And, most of all, we want to  
4 continue to execute our job on behalf of five and a half  
5 million Californians to protect the environment and  
6 maintain a sustainable business framework.

7 Thank you.

8 CAL/EPA SECRETARY TAMMINEN: Thank you.

9 Our next three speakers, Mareana Ricci, Cindy  
10 Tuck, and Mary Pitto.

11 Forgive me if I'm mispronouncing these names.

12 It's a little hard to read all of them. But if those  
13 three people could be prepared.

14 And starting with Mareana.

15 MS. RICCI: My name is Mareana Ricci. And I'm  
16 speaking on behalf of Paragon Global Consulting in  
17 Oakland.

18 CAL/EPA SECRETARY TAMMINEN: Speak right into the  
19 microphone.

20 MS. RICCI: Sure.

21 There we go.

22 MS. RICCI: The Environmental Justice Working  
23 Group has produced an impressive document which takes  
24 significant steps towards providing guidance and standards  
25 for effective outreach to environmental justice

1 populations.

2       While the report at great length is a study in  
3 outreach evaluation, it may benefit from the group's  
4 consideration of research and input from some of the  
5 founding EG organizations.

6       In 1997 under contract with the Federal Transit  
7 Administration, Paragon managed a national liveable  
8 communities project from the Conference of Minority  
9 Transportation Officials. Our final report included a  
10 roundtable discussion on environmental justice. Ms. Fabio  
11 was honored to chair a distinguished meeting of  
12 policymakers from the EPA, the HED, the DOT, the HEW, Dr.  
13 Robert Bullard from Brookings Institution, and the  
14 National Institute of Environmental Health.

15       In summary, the group identified some major  
16 issues which significantly impact the quality of outreach  
17 and the likelihood of sustaining a commitment to  
18 community-based planning. The number one issue they  
19 discovered in community empowerment is education and  
20 training to include how resources are allocated and  
21 distributed.

22       Ms. Fabio attended the California meetings and  
23 listened to the Advisory Council of the flight of  
24 grassroots organizations. We realize that community  
25 groups don't know how to help us help them.

1       The group also recognized that community  
2 development is two tiers. The first tier is the task of  
3 creating an informed community. And the second task is  
4 achieving sustainability to ensure long-term results.

5       And it's Ms. Fabio's opinion that the working  
6 group implementation strategy should directly address  
7 empowerment and sustainability within communities.

8       Now, it is -- in the opinion of the working  
9 group, past experience has taught us that the factors  
10 which -- implementation among low income minority  
11 stakeholders are as follows: Our work with community  
12 groups never fails to eventually come to these, that the  
13 two main reasons for low interest and lack of  
14 understanding are: Who makes the decisions? And what are  
15 the decisions based upon? And that low income minority  
16 stakeholders do not trust the government to keep  
17 commitments. And there's no person or office accountable  
18 that has efficient clout to make changes.

19       On the other side of the spectrum, project  
20 planners view the following as barriers to establish  
21 programs for low income minority stakeholders: Financial  
22 constraints, forced prioritization of competing needs.  
23 And planners have difficulty finding effective ways to  
24 educate people and help them understand the benefits of  
25 being involved in the planning process.

1       The Working Group appears to be entirely  
2 cognizant of the fact that public involvement process  
3 takes more time and a greater than usual outreach effort  
4 on the part of project managers and government  
5 administrators.

6       The protection of the public health is perhaps  
7 the biggest EJ issue due to the fact of the correlation  
8 between public health issues and the culmination of  
9 exposure to multiple pollution sources is still not  
10 completely understood. A suggested action step would be  
11 to set up some kind of red flag system with local health  
12 care providers to establish a baseline and monitor intake  
13 clusters among local providers.

14       This example Paragon wishes to offer for your  
15 consideration. And these -- and part of the research  
16 conducted by UC Santa Cruz can help empower the  
17 communities in regards to environmental justice.

18       Thank you.

19       CAL/EPA SECRETARY TAMMINEN: Thank you very much.

20       MS. TUCK: Thank you, Secretary Tamminen and  
21 members of the Working Group.

22       Can you hear me okay?

23       CAL/EPA SECRETARY TAMMINEN: You kind of got to  
24 beat these microphones to make them work.

25       MS. TUCK: Can you hear know now?

1 CAL/EPA SECRETARY TAMMINEN: There you go.

2 And just, again for the record, identify

3 yourself.

4 MS. TUCK: Yes, Cindy Tuck with the California

5 Council for Environmental and Economic Balance. And I am

6 a member of the Cal EPA Advisory Committee on

7 Environmental Justice.

8 First of all, I'd like to note that CCEEB is

9 comfortable with the two pathway approach.

10 (Applause.)

11 MS. TUCK: And we have submitted comments on the

12 strategy document -- detailed comments. And I think they

13 were along the lines that Mr. Lowry said pretty -- on

14 narrow subjects, not critical of the document but trying

15 to improve it.

16 So I'd like to just highlight a few of the

17 comments that we made in writing. First is we would

18 suggest spelling out very early in the document, I think

19 in the second paragraph, what the statutory purpose for

20 the strategy is, which is for identifying and addressing

21 the gaps. Put that up early.

22 The third comment that we had in the written

23 comments had to do with terminology. And CCEEB does think

24 it's important to have clear terms. In this document

25 there's several undefined terms, there's multiple terms



1 for the same meaning. And we think -- we would suggest  
2 that the IWG and staff go back and look at the terms that  
3 we've listed and think, what do these terms mean in the  
4 context of the Cal/EPA programs and the BDO programs, and  
5 try to use clear terms consistently and when possible tie  
6 them back to the definition of environmental justice in  
7 the code, fair treatment of everyone.

8       The fourth comment we had in our written comments  
9 had to do with criteria. And we'd like the working group  
10 to focus on criteria. It's an important part of the  
11 statutory process, specifically the BDOs -- after the  
12 strategy is finished, your next step is the BDOs would be  
13 identifying gaps. And to do that you need to apply  
14 whatever the criteria are that you have in the strategy  
15 document. So the criteria becomes very important.

16       What we would suggest for the criteria is not  
17 only include criteria for Goal 2, but include criteria for  
18 the other three goals. And we concur with those goal  
19 statements. Also state the criteria in the form of a test  
20 in questions so that it would be you read it as the BDO  
21 was going to be applying it and if they reviewed their  
22 programs for gap identification.

23       And then a specific point, in the criteria that  
24 are listed right now you use the term "environmental  
25 justice problem." And we'd suggest looking at the meaning

1 of that and how -- when you apply the criteria as tests

2 for gap identification, what would that mean?

3       Okay. The other -- I have one minute. So I'm

4 just going to rattle a few notes:

5       Fix the Committee date in the document.

6       On the values we'd suggest adding good science

7 and regulatory certainty as values. I'd be glad to

8 elaborate.

9       On cumulative impacts, that is in the strategy

10 document, and we're comfortable with having that as part

11 of it. We have suggested changes talking about making

12 sure that the tools are scientifically based and peer

13 reviewed. Have the criteria be objective criteria, those

14 kinds of things.

15       And I'd like to make one last comment on business

16 climate and impacts on jobs. We do think that is

17 important. We obviously have labor as part of our

18 membership. And I'd like to tie it back to a definition

19 of cumulative impacts. For example, if you don't know

20 what cumulative impact is and you can't say what is an

21 adverse level of cumulative impacts, then how do you

22 decide which measures are going to be used to solve the

23 problem?

24       And when people in some processes have talked

25 about you have quite a few cumulative impacts and no new

1 permits in an area, that directly impacts jobs. So we  
2 think having a clear definition of cumulative impacts and  
3 clear criteria for how to decide if they're adverse or not  
4 is really important.

5 That concludes my comments.

6 CAL/EPA SECRETARY TAMMINEN: Thank you, Cindy.

7 MS. PITTO: Thank you. I'm Mary Pitto with the  
8 Regional Council of Rural Counties. Our organization  
9 represents 30, or over half, of the counties in the State  
10 of California and greater than 40 percent of its land  
11 mass, but yet less than seven percent of the population.  
12 And we have a little bit of a different twist for our  
13 concern.

14 As many of our counties are economically  
15 disadvantaged, our most significant concern is that rural  
16 counties themselves need to be considered in terms of  
17 environmental justice.

18 State regulatory agencies develop and implement  
19 state regulations in response to urban problems, without  
20 regard to the economic and social impact to rural counties  
21 often, which results in significant negative impacts to  
22 our rural counties.

23 We ask that you -- under Goal No. 1, under  
24 "Public participation," that you specifically include an  
25 objective to engage local government and elected officials

1 in the process and conduct your meetings in various  
2 areas -- or rural areas of the state when there is a  
3 significant impact to the rural areas.

4 And Goal No. 2 under "Integration of  
5 Environmental Justice," we ask that you consider rural  
6 counties a segment of the population in terms of  
7 environmental justice and look at balanced environmental  
8 and economic approaches.

9 Thank you.

10 CAL/EPA SECRETARY TAMMINEN: Thank you very much  
11 for that unique perspective.

12 CAL/EPA SPECIAL ASSISTANT HALL: Robina Suwol, Tim  
13 Valen and Paula Forbis.

14 MS. SUWOL: Hi. Good afternoon. I'm going to be  
15 very brief. There are a number of other people that want  
16 to speak.

17 My name is Robina Suwol. I'm the Executive  
18 Director of California Safe Schools. We're an  
19 organization that was in the forefront of the Los Angeles  
20 Unified School District policy, which is the second  
21 largest school district in the nation, that created  
22 this policy in 1999 that successfully embraces the  
23 precautionary principle in parents right to know. This  
24 policy later led to the Healthy Schools Act.

25 And I'm here today to -- first of all, I wanted

1 to mention a little background -- but to thank you for  
2 your efforts to open this discussion up to the community,  
3 extend the time period in which you could hear comments,  
4 and just for setting up the entire organization with the  
5 Working Group and the continuation of that as well and  
6 public participation.

7       There were a couple of comments made today that  
8 concern me. And I'm -- I don't want to get so hung up on  
9 semantics. I'm very pleased that this group really does  
10 want to move forward. I think that we only need to really  
11 look at some issues of environmental justice, that they're  
12 blatant. We know that, for example, in pesticides that  
13 diazinon, which was deemed a neurotoxin and no longer  
14 suggested to be used in homes or schools, continues to be  
15 used on fields with farm workers. I think there's  
16 something wrong with that picture.

17       I hope that, as these issues are addressed, that  
18 we will begin to recognize and use science to -- and, you  
19 know, when science is not there, to use a best -- to use,  
20 you know, good sense in terms of not harming anyone.

21       And we note that there are products that are  
22 neurotoxins, cause cancer, hormonal disorders. And we'd  
23 like those to be eliminated.

24       I only have -- sometimes when I think, you know,  
25 I have no financial invested interest in being here. I'm

1 not paid. I paid my own way to come. And nothing brings  
2 all of this more home than to really enter the preschool  
3 that's so beautiful at the base of this school -- I'm  
4 sorry -- at the base of this building. But, you know, not  
5 everyone has that. In my community there are people who  
6 are next to a chrome-plating company in East Los Angeles.  
7 There's schools that are next to foam manufacturing  
8 plants. And so I hope that this entire entity will begin  
9 to address those and identify those areas that need help  
10 right away.

11 Thank you so very much.

12 CAL/EPA SECRETARY TAMMINEN: Thank you.

13 MR. VALEN: Hi. My name is Terrence Valen, and  
14 I'm with -- research associate with Communities for a  
15 Better Environment. And thank you for allowing us to  
16 speak today.

17 We're glad to hear that the environmental justice  
18 is a priority for this administration. And we're glad to  
19 see the progress that is being made to move the  
20 recommendations forward from the Cal/EPA Environmental  
21 Justice Advisory Committee.

22 CBE has been a major part of that Advisory  
23 Committee, and we put in the work to move those  
24 recommendations forward. And we're glad to see that this  
25 Interagency Working Group is putting the work in to move

1 forward with that.

2       And I think -- you know, we've kind of  
3 acknowledged the work of the staff of EPA. But we also  
4 have to acknowledge the fact that it is the communities  
5 and the organizations that have been putting in work for  
6 years and for decades for us to be willing to talk about  
7 precautionary principle and cumulative impacts.

8       I've been participating in this particular  
9 process for the two years it has been going on, attending  
10 the meetings. I was formerly working with Silicon Valley  
11 Toxics Coalition, the Health and Environmental Justice  
12 Project. And they are dealing with hundreds of chemicals  
13 that are used in the high tech industry, specifically  
14 speak to the issue: Precautionary approaches need to  
15 address specific chemical use reduction and elimination.

16       And in the case of trichloroethylene, a chemical  
17 that was used and contaminated the groundwater, percolated  
18 up through the soil, contaminated the air and then pooled  
19 up in indoor work places and in homes, is an example of  
20 how a specific approach -- precautionary approach to a  
21 specific chemical and the need to eliminate that is  
22 something that we really need to take action on, we can  
23 take specific action on.

24       Communities for a Better Environment has also  
25 been involved for a long time on the issue of cumulative

1 impacts. The years of work we've put into looking at  
2 communities in southeast Los Angeles and the need for  
3 looking specifically at how we can use cumulative impacts  
4 analysis to perfect the health of local communities is  
5 sort of the on-the-ground work that I think that we're  
6 talking about in terms of the pilot projects that we're  
7 going to identify.

8       So to speak specifically to one of the proposals  
9 or recommendations from this Interagency Working Group is  
10 the formation of working groups that are going to address  
11 this issue. I think Diane's comments earlier in a letter  
12 that we also signed onto that's been passed around  
13 suggested that the working groups identify pilot projects  
14 for both precautionary principle and cumulative impacts,  
15 but also that the Advisory Committee and members of the  
16 communities and organizations that have been working on  
17 these issues on the ground could also be a part of the  
18 working groups that are formed to define -- to select the  
19 pilot projects and define criteria that are going to be  
20 used in developing and implementing those projects.

21       So the communities and organizations that have  
22 been involved in actually bringing this issue -- these  
23 issues forward, and we need to be a part of the working  
24 groups and the full implementation of these items.

25       Thank you.



1 CAL/EPA SECRETARY TAMMINEN: Thank you very much.

2 MS. FORBIS: Good evening. I'm Paula Forbis of

3 the Environmental Health Coalition.

4 Can you hear me okay?

5 I have two main points today. We're here in

6 support of the efforts of the action plan and the

7 strategies received in these great first steps. And we're

8 excited to see this process go forward here at Cal/EPA.

9 But my first comment is that we have a concern in

10 terms of the action plan, feeling like it's lacking

11 addressing issues of poor land use in communities of color

12 and low income communities throughout the state, despite

13 land use being an important component of the Advisory

14 Committee report.

15 And as you're aware, in communities of color and

16 low income communities across the state, land-use practice

17 has put chrome-plating shops next to schools, homes next

18 to factories. And we feel that good land use is

19 essentially precautionary, that more could be done under

20 the precautionary approach. Looking at land use is a way

21 to avoid these impacts.

22 CAL/EPA SPECIAL ASSISTANT HALL: We have automatic

23 shutoff in our building.

24 MS. FORBIS: Okay. Should I keep going?

25 CAL/EPA SECRETARY TAMMINEN: Yes.

1 MS. FORBIS: The zoning code separating  
2 residential and industry land uses have existed many  
3 decades prior to the advent of risk assessment and prior  
4 to the advent of a lot of our reference exposure levels  
5 and things of that nature.

6 Unfortunately, these types of protective zoning  
7 codes, meant to protect public health, have not been  
8 equitably applied across the state. And these are codes  
9 which are really dictated by common sense. Common sense  
10 tells you that these are not land uses that are  
11 compatible.

12 I've been participating on the Environmental  
13 Justice Stakeholders Group for the Air Resources Board,  
14 and been pleased to be a part of that for the last several  
15 years. ARB staff has been working on a land-use guidance,  
16 which would help to educate local land-use planners about  
17 the hazards of placing incompatible land uses next to each  
18 other.

19 We still have strong concerns that the current  
20 draft relies too much on site-specific analysis. But  
21 we're hoping to continue to work with staff and with the  
22 other stakeholders to get these issues resolved.

23 My point in bringing this up is to say that these  
24 type of efforts should be completed for some of the other  
25 BDOs and should be incorporated in more detail in the

1 action plan. And these are issues that can be addressed  
2 on the ground today. We think they can be related to  
3 issues of cumulative impacts as well as the precautionary  
4 approach.

5 And we think that it's next to impossible to  
6 address urban environmental issues, as is so important to  
7 the Governor's action plan, without addressing land use  
8 and the environmental justice issues that it implicates.  
9 So for these reasons we've asked that you add additional  
10 actions to the plan.

11 My second point is that as this process moves  
12 forward -- this is just to reiterate what Diane had  
13 mentioned earlier -- we see an important role for the  
14 continuation of the Advisory Committee on Environmental  
15 Justice and that that committee could be divided into the  
16 two workgroups that are set up in the action plan in order  
17 to move that work forward, and of course opening up the  
18 membership to members of the communities that are going to  
19 be impacted by those decisions as well as others.

20 Thank you very much for your --

21 CAL/EPA SECRETARY TAMMINEN: Thank you, Paula.

22 We're joined by Drew Bohan, Assistant Secretary  
23 of Policy. You should all get to know him, another face  
24 and name you can call on for these issues.

25 And actually, Drew, I'm going to call upon you

1 now to prop open the back doors.

2       There we go. Never mind. I was going to say we

3 could get some natural lighting in here just by propping

4 open the doors.

5       You're off the hook.

6       CAL/EPA SPECIAL ASSISTANT HALL: Okay. The next

7 commentators are going to be Tim Shestek -- sorry if I don't

8 say your name correctly -- Bill Magavern, and Renee Pinel.

9       MR. SHESTEK: Thank you, Mr. Secretary and

10 members. Tim Shestek with the American Chemistry Council.

11       Just real quickly by way of background, our

12 member companies employ, indirectly and directly, over

13 82,000 Californians and provide nearly 13 billion --

14 excuse me -- \$22 billion worth of products to the state.

15 I just want to make a couple comments as it relates to the

16 issue of precaution and the precautionary approach. I

17 know this group's spent a great deal of time and energy

18 over the course of last year, a very contentious debate I

19 think over trying to define the issue of the precautionary

20 principle and what that really means.

21       Our organization, our member companies take the

22 issue of precaution seriously, and feel that there really

23 isn't anything inherently biased or extreme about taking a

24 precautionary approach to developing public policy.

25 Having said that, I would encourage the group as this

1 process moves forward to really take into account the  
2 rational balance between environmental protection and  
3 economic growth and the weight of the scientific evidence  
4 when making these decisions. Future decisions that this  
5 group makes relates to environmental justice, and overall  
6 policy should be based on accurate, reliable,  
7 reproducible, and unbiased science. And we would look  
8 forward to being a part of that continuing discussion as  
9 this process moves forward.

10 Thank you.

11 CAL/EPA SECRETARY TAMMINEN: Thank you very much.

12 MR. MAGAVERN: Good evening. Bill Magavern with  
13 Sierra Club of California.

14 I want to thank all of you for taking  
15 environmental justice seriously. I think it speaks very  
16 well of Cal/EPA that this effort continues now over two  
17 administrations, you know, pretty much without missing a  
18 beat.

19 And in particular, Mr. Secretary, I want to  
20 commend you on your choice of the four priorities for a  
21 short-term interim action. I think you've gone 4 for 4  
22 there. And also the emphasis on action is so crucial,  
23 because you don't need to be an action hero to understand  
24 that environmental justice delayed is environmental  
25 justice denied. You only need to read in the newspaper

1 about farm workers who are poisoned by pesticides in the  
2 fields. And that's been happening very recently and not  
3 that far from here.

4 I second Diane Takvorian's idea that pollution  
5 prevention be incorporated into precautionary approaches.  
6 I think it belongs there, an integral part of those, and  
7 the idea of doing pilots for municipalities. And I think  
8 it would be best if those projects were done on a  
9 cross-media basis. One of the benefits for Cal/EPA the  
10 whole state of having all of you here in the same building  
11 is the opportunity to work across media. And I think  
12 there's still a lot of potential to explore there.

13 I want to advise five areas that we think you  
14 could pay more attention to as you go forward in  
15 implementing the environmental justice strategies.

16 One is that, in general, government agencies are  
17 not responsive to environmental justice priorities that  
18 are raised by communities. The agencies tend to think  
19 that their priorities are more important, so they often  
20 respond minimally when a community complains about a  
21 polluting facility or a pollutant problem.

22 Second, the environmental agencies too often fail  
23 to crack down on violators in disadvantaged communities.  
24 And we see that if a violation is to take place in a  
25 community that has more access to power and influence,

1 they tend to get a better response than those in the  
2 environmental justice communities.

3 Third, increasing an unjustified secrecy in the  
4 agencies is making it very difficult for communities to  
5 access information. And clearly the public's right to  
6 know is an essential part of the ability to participate in  
7 decisions. So we want to make sure that the Public  
8 Records Act is observed fully, not just here but, for  
9 example, in every regional water board office.

10 Fourth, agency communication with individual  
11 members of the public is often abysmal. You need to have  
12 usually excellent English language skills and a college  
13 education just to get somebody in an agency office who can  
14 provide meaningful information or accept and respond to a  
15 complaint.

16 Most agencies never respond to E-mails to their  
17 general public inquiry addresses. So we need to  
18 facilitate that, because a lot of community members aren't  
19 able to make a phone call during working hours to talk to  
20 somebody.

21 And, finally, the allocation of resources to  
22 often discriminates against low-income and minority  
23 communities. So I hope you'll take a look at that.

24 I think you're off to a great start and that you  
25 will agree with me that there's a lot of hard work ahead.

1 CAL/EPA SECRETARY TAMMINEN: Thank you, Bill.

2 Thanks for reminding us that sometimes it's the simple  
3 things that make a difference, like answering the phone.

4 (Laughter.)

5 MS. PINEL: Good afternoon. Renee Pinel for the  
6 Western Planned Health Association.

7 We appreciate this opportunity to make a few  
8 comments I think overall. But we applaud the Interagency  
9 Group on the efforts they've made. We're supportive of  
10 the document. Our concerns are very narrow and focused.  
11 And overall I think we do support this.

12 There are a few areas that we'd like to see  
13 better clarity perhaps. We would like to see better  
14 definitions of some of the terms. I think it would make  
15 it clearer for the end of what's trying to be achieved.  
16 And I think there are some terms that are a bit unclear  
17 and undefined and could be misinterpreted by differing  
18 viewpoints within different interest groups that are  
19 involved in the process.

20 I think we agree with the Interagency Working  
21 Group developing overarching strategy. On this I think it  
22 gives the agencies within Cal/EPA greater flexibility in  
23 developing protocols and programs that they might need to  
24 make that might be unique within their own agencies to  
25 address some of these environmental justice issues. So we



1 think that's a good idea.

2 Overall, we support the four goals that were  
3 developed by the group.

4 We would like to see some criteria -- or make  
5 sure that criteria's developed for each of those goals.  
6 Again, we think it would be helpful in making sure that  
7 when members of the public are looking at these goals or  
8 looking at the criteria, they can understand why a process  
9 is being developed to achieve a goal.

10 And also I think it would help both the agencies  
11 and the public when they're looking at whether a goal is  
12 being achieved or is on that road, that there's criteria  
13 that has been developed asking those questions will help  
14 them understand and be able to analyze themselves if those  
15 efforts are going to be achieved or are being achieved.

16 In the area of cumulative impacts, we think  
17 criteria's important. And we think that it is important  
18 that the state continues to utilize sound objective  
19 science, peer reviewed whenever possible. We think it is  
20 very important that science is utilized to make sure that  
21 the outcomes that are determined are true and are viable.

22 We appreciate the use of the precautionary  
23 approach and support it. Again, I think this allows --  
24 I'm sorry. I lost my train of thought there.

25 We do -- we appreciate the use of the

1 precautionary approach. It does allow for people to have  
2 their concerns addressed. We don't think there's anything  
3 wrong with precaution. But, again, we think it's  
4 important that while you're using precaution, that again  
5 this does not compromise the use of sound peer-reviewed  
6 science at the end of the road.

7 Overall, again, we support the document. We  
8 appreciate the effort that's been made. And we look  
9 forward to working with the interagency groups and the  
10 further development.

11 CAL/EPA SECRETARY TAMMINEN: Thank you.

12 CAL/EPA SPECIAL ASSISTANT HALL: All right.

13 Cynthia Cory, Dr. Henry Clark, and Dorothy Rothrock.

14 MS. CORY: Chair and members. Cynthia Cory,  
15 California Farm Bureau.

16 I just have a few brief comments from an ag  
17 perspective. But first I want to thank everyone that's  
18 been involved with this project, because I know a lot of  
19 people have put a lot of time and effort into this process  
20 and I appreciate it.

21 First off, I was glad to hear from the  
22 Administration -- from Ms. Boel that the new  
23 Administration is interested in jobs and the economy.  
24 This could be included in the document and in the  
25 strategy.

1 One of the things we'd like to make sure that is  
2 included in the document is the fact that the cost  
3 effectiveness that we now do with every rule and  
4 regulation is also a consideration in the EJ strategy.

5 The precautionary approach I think is much more  
6 favorable than -- more than the precautionary principle.

7 I deal almost every day of my life with Mr.  
8 Helliker, who, although I might not always agree with him,  
9 I do understand him when he speaks to me.

10 And also with ARB a lot. And I deal with -- in  
11 many rules and regulations. And I feel like we do spend a  
12 lot of time -- I know a lot of my time and effort is spent  
13 on precaution and making sure that these rules and  
14 regulations do take in risk assessment. So I hope that  
15 that is acknowledged and also included in this strategy.

16 Last, I'd like to emphasize -- I think it's been  
17 said a number of times -- that good science and regulatory  
18 certainty are key. As a member of the agricultural  
19 community that is about to become a -- under a whole new  
20 level of regulation, I can assure you that, unless we have  
21 good science to back up the rules and regulations that  
22 we're asked to abide by, they just won't be effective.

23 Regulatory certainty is imperative. I had a  
24 farmer call me just the other day and ask me if he was  
25 going to have to replace all his engines, whether he --

1 you know, for him it was determination whether he would  
2 stay in business or not, what did I think?

3 So as you can imagine, that was pretty heavy  
4 question. I didn't answer it --

5 CAL/EPA SECRETARY TAMMINEN: What did you tell  
6 him?

7 (Laughter.)

8 CAL/EPA SECRETARY TAMMINEN: We'd all like to  
9 know.

10 MS. CORY: Well, luckily he was in an air  
11 district where I don't think that's going to be an issue.

12 Again, I'd like to -- I do support this effort,  
13 and I hope that you'll take our points into consideration.

14 Thank you.

15 CAL/EPA SECRETARY TAMMINEN: Thank you.

16 DR. CLARK: Good afternoon.

17 Is it on?

18 Good afternoon, Mr. Secretary, members of the  
19 Interagency Working Group. My name is Dr. Henry Clark.

20 I'm with the West County Toxics Coalition based in  
21 Richmond; also a member of the Environmental Justice  
22 Advisory Committee. Our organization has been around in  
23 the environmental justice field for the past 21 years.

24 I want to thank the interagency for going forward  
25 with the recommendations that the Advisory Group worked on

1 for the last several years. Action is what we are looking  
2 for.

3 As you said, Mr. Secretary, our communities are  
4 starting out with a deficit. We have already been  
5 disproportionately impacted. And we're trying to get to a  
6 state of environmental justice. And when we're talking  
7 about justice, you know, some people may not like what  
8 justice means. A thief may not like what justice the  
9 thief gets, but it's still justice.

10 In regard to your action plan, those are some  
11 good items that's included in that. I just want to  
12 comment on the cumulative impact point because we've heard  
13 a lot of talk about that, and that is very important.

14 But our communities and people are experiencing  
15 some considerable cumulative impacts. It's not only the  
16 impacts from the many chemical sources that we are exposed  
17 to. It's sort of like taking a drink. One drink may not  
18 get you drunk, but several will.

19 But that's not the only cumulative impact. It's  
20 the impacts from erratic driving and having an accident.  
21 It's the cumulative impacts of family disruption. It's  
22 the impact of someone dying and the suffering that family  
23 members have to experience. We're experiencing all of  
24 those cumulative impacts from the chemical exposure that  
25 residents are experiencing in our community.

1 In terms of the longer term strategy, hopefully  
2 that won't be too long because, like we said, we're  
3 talking about life and death issues here.

4 I want to point out a few -- a couple of gaps  
5 here. And that's with -- incorporating the environmental  
6 justice into the general plans. If environmental justice  
7 is not incorporated into the general plans, then  
8 jurisdictions continue to disproportionately impact us.  
9 Like in the City of Richmond, they act like they never  
10 even heard of any environmental justice, you know.  
11 They're going on like they were operating in the stone  
12 age.

13 So environmental justice has to be incorporated  
14 into the general plans. Otherwise it's going to  
15 counteract many of the protective measures that you're  
16 trying to get at.

17 The other thing is on environmental cleanups.  
18 It's a big problem because there is not a follow-up in  
19 terms of monitoring. One incident is Midway Village in  
20 Daly City, for one. There's other community sites also.  
21 But the point is that -- when these sites are supposedly  
22 cleaned up, they're really not cleaned up totally. And so  
23 that contamination continues to come up, where they may be  
24 deemed clean today, but tomorrow they are still dirty or  
25 still polluted.

1        So in the final end we're talking about action.

2 Just like our communities have come to you and all you  
3 agencies complaining about the environmental injustices  
4 that we have experienced. When the problem is corrected,  
5 we'll be coming to you, praising you for the work that you  
6 have done to clean up our communities and protect us.

7        Thank you.

8        CAL/EPA SECRETARY TAMMINEN: Thank you very much.

9        (Applause.)

10       CAL/EPA SECRETARY TAMMINEN: Yes, public outbursts  
11 are perfectly acceptable.

12       (Laughter.)

13       MS. ROTHROCK: Thank you for that applause.

14       (Laughter.)

15       MS. ROTHROCK: My name's Dorothy Rothrock. I'm  
16 with the California Manufacturers and Technology  
17 Association. We represent about 600 manufacturers in  
18 California of all sizes, large and small.

19       I just wanted to reflect briefly on the job  
20 impact issues associated with this. We're generally  
21 supportive of the comments that Cindy made from CCEEB with  
22 regard to the need for additional goals and criteria,  
23 because one of the main things that we need as a business  
24 community to grow in this state is regulatory  
25 predictability and certainty.

1       We want to be good participants in this economy.  
2 We want to be -- we want to fit into the communities in  
3 which we exist. We want to provide a highway to jobs to  
4 all sectors of this society. Manufacturers employ a  
5 broad, diverse array of California citizens. High wages,  
6 average \$50,000. For some of the lower educated citizens  
7 in California, it's a critical part of this economy.

8       It's been extremely hard hit in the last three  
9 years. We've lost 300,000 jobs in California. We're  
10 almost down to no more than 10 percent of the California  
11 economy. This is as low as it's been since 1980.

12       We think we ought to be growing this sector, and  
13 we hope that this policy will allow us to do that.

14       Thank you.

15       CAL/EPA SECRETARY TAMMINEN: Thank you very much.

16       CAL/EPA SPECIAL ASSISTANT HALL: Dave Arrieta,  
17 LeVonne Stone, Angelo Logan.

18       MR. ARRIETA: Good evening, Mr. Secretary,  
19 Working Group. My name is David Arrieta. I'm  
20 representing the Western States Petroleum Association.

21       And we're here basically to support the comments  
22 that Cindy Tuck with CCEEB made, in particular the issues  
23 regarding the gaps analysis and the criteria to evaluate  
24 gaps and to evaluate the achievement of goals after the  
25 gaps are identified.



1 With that, we'd like to support those statements.

2 CAL/EPA SECRETARY TAMMINEN: Thank you. And thank  
3 you for your brevity.

4 (Laughter.)

5 CAL/EPA SECRETARY TAMMINEN: It is the soul of  
6 wit.

7 MS. STONE: Hi. My name is LeVonne Stone. I'm  
8 the President of the Fort Ord Environmental Justice  
9 Network. We're also a recipient of a U.S. EPA TAG grant.  
10 And I'm also a member of the Environmental Justice  
11 Advisory Committee to Cal/EPA or whichever -- whatever you  
12 want to put me in their process.

13 I'd like to see the environmental justice manual  
14 that we worked so hard and diligently on passed in its  
15 entirety. And it sounds like that's what happened. I'm  
16 not sure because it's been a very long time since I've  
17 been here.

18 Since you've changed the new administration, we  
19 have not met the panel that we have at the table, starting  
20 from Malinda on over and all the new people.

21 And I'm surprised that it was such a long process  
22 in coming here. And I did come on my own. And I'm  
23 surprised that we're not meeting as a joint power  
24 structure or body or whatever you want to call it.

25 I'm really surprised at that because it's almost

1 like a year down the road. And I've heard about all the  
2 commitments to environmental justice and to this document.  
3 And we were hoping to start right in on the implementation  
4 process because it's so important for all of the  
5 governmental agencies. And while we're in the process of  
6 waiting, communities have nothing. We have nothing.

7 I'm from Fort Ord of course where we're using  
8 emagel or whatever -- I'm sure some of you know what that  
9 is -- to start fires with a very hazardous substance that  
10 was used in our wars. And also another agent that was  
11 used to clear vegetation in Vietnam. Now, while we're  
12 thinking about how to do these things, everything is still  
13 going on. The pollution, the contamination is still going  
14 on.

15 We have carbon tetrachloride contamination in our  
16 housing area. And we all know that that is a  
17 cancer-causing vapor which we can't see.

18 I would just like to implore you -- because we  
19 have to fight very hard to be at the table. Monterey  
20 County's not represented anywhere around the world, as far  
21 as I know, in this process. And we're the largest closing  
22 military installation in the country. And I don't see the  
23 emphasis on what's happening with military facility  
24 communities in this whole process of how we're brought  
25 into the process and how the health effects that we're

1 experiencing in our communities are a part of the overall  
2 concerns, even though we have more and even the same types  
3 of concerns with superfund sites in being on a national  
4 priorities list.

5       So I hope that we're going to continue with this  
6 process. And with the fact that we are a part of this  
7 process as an Advisory Committee, I just hope that we're  
8 going to be able to work together on trying to accomplish  
9 the goal of environmental justice that we have not  
10 achieved yet.

11       Thank you.

12       CAL/EPA SECRETARY TAMMINEN: Thank you very much.

13       CAL/EPA SPECIAL ASSISTANT HALL: Mr. Logan?

14       Okay. Donyela Young. I don't know if I  
15 pronounced it right.

16       Donyela Young.

17       Karl Krupp and Marie Harrison.

18       MR. KRUPP: Well, the line's getting shorter  
19 here.

20       I was trying to think of a nice analogy and a  
21 constructive analogy when I came here today for --

22       CAL/EPA SPECIAL ASSISTANT HALL: Excuse me. I  
23 don't mean to interrupt you. But can you --

24       MR. KRUPP: I'm Karl Krupp from Green Action for  
25 Health and Environmental Justice.

1 I was trying to think of a constructive analysis  
2 or a constructive sort of analogy for what I feel about  
3 some of the comments that the Interagency Working Group  
4 were making before. And I realized that I've been -- I've  
5 been watching the cooking channel too much, because the  
6 only one I can think of is what Emeril says, "You got to  
7 kick this recipe up a notch." And I think that's really  
8 how many of us in the community really feel, that this has  
9 to go beyond discussions about definitions. This has to  
10 move very, very quickly beyond great websites and long,  
11 extended discussions about strategic plans.

12 These communities are at war for their lives.  
13 They're surrounded, they're besieged by powerplants and  
14 toxic waste sites. There is not time here for extended  
15 discussions.

16 So I would urge you -- the second thing that I  
17 would like to say here is we don't need more  
18 clearinghouses. The interesting thing for me is whenever  
19 I go to a government hearing, the only people who get  
20 benefit out of clearinghouses are usually industry  
21 consultants that come to the hearings. They have used  
22 them extensively.

23 But the people that we represent don't have PCs,  
24 they don't know how to use clearinghouses. What they need  
25 is advocates. So I would urge you to become an advocate

1 instead of a clearinghouse. Clearinghouses don't have to  
2 be responsible for anything except putting things out on  
3 the shelf or making sure they're in the right file. I  
4 would like you as an agency to become responsible for the  
5 communities that you represent and that you really are  
6 responsible to.

7       The other thing that I would like to mention  
8 here. We've invited -- and with one of our partners who's  
9 in public housing -- hundreds of you tenants associations.  
10 We cleaned out a couple of units up in public housing,  
11 right above the PG&E powerplant. And they invited the  
12 BAAQMD, the air district, to stay there. Because I don't  
13 think that they'll have any questions about cumulative  
14 impact after they stay there. And I am sure I can get  
15 them to extend the same invitation to the Cal/EPA. If  
16 anybody would like to, please talk to me after the  
17 hearing.

18       So thank you for your kindness in listening to  
19 me. And I'm sorry if I'm -- I'm emotionally involved.  
20 And I just have to tell you that I feel emotionally  
21 involved so I have to express that.

22       Thank you.

23       (Applause.)

24       CAL/EPA SECRETARY TAMMINEN: Thank you for that  
25 comment. And don't apologize for being personally

1 involved. I think we all feel the same sense of urgency.

2 We also do of course have a certain statutory obligation

3 to march through certain things. But that should not be

4 confused with our sense of urgency.

5 MS. HARRISON: Good evening. My name is Marie

6 Harrison. I too am a working member of Green Action and

7 also from Bayview Hunters Point.

8 One of the things I'd like to do for you is to

9 paint you a picture. And then I'd like to extend to you

10 that invitation to spend a weekend or two in Bayview

11 Hunters Point, in particular in Hunters View that sits

12 directly across the street and less than a hundred feet

13 from the powerplant and less than 20 feet from Parcel E of

14 the Bayview Hunters Point Naval Shipyard, less than four

15 blocks from the sewage plant that takes in 86 percent of

16 the city's sewage. And we'll go and tell you how we take

17 in -- we're now taking in sewage from other parts of our

18 neighborhoods that are not necessarily part of Bayview

19 Hunters Point.

20 In this picture I want you to imagine living in a

21 community with some 316 identified toxic sites that we

22 have yet to find out if the EPA has resolved those issues.

23 And for the worst I'd like to let you know that

24 cement is not a resolution. It does not resolve anything.

25 And for some reason, in Bayview Hunters Point when we have

1 these problems, the clean-up methods seem to always want  
2 to start with drop some cement on it. Take care of it.  
3 Mother Nature being the creature that she is will bring it  
4 back to you tenfold. We know this because we've lived it  
5 every day.

6 I have the unfortunate -- I am the person who is  
7 unfortunately in a position to -- I've had to move my  
8 grandchildren out of Bayview Hunters Point at the  
9 insistence of the doctor who claims to me "that's the only  
10 logical and sensible thing for you to do because we can't  
11 do anything about what's over there, nobody is listening  
12 to us."

13 So if you talk about precautionary principles,  
14 then you need to listen to the people who are being  
15 affected. When you put together an environmental justice  
16 organization or a group of people to work on any issue,  
17 unless you have true stakeholders -- and true stakeholders  
18 are people who are living it every single day -- if you  
19 don't have us at the table actually working with you,  
20 describing the kinds of things that you should be looking  
21 for and looking at and examining on a repetitive basis,  
22 then you're not really doing environmental justice -- our  
23 justice. And I would like to invite you to do these  
24 things.

25 I'd like to also say that I was very impressed

1 with the fact that Henry Clark actually felt that you put  
2 some really good things on this -- into this working plan.  
3 And for me, I'm so used to hearing all the words. I'd  
4 like to see some action.

5       So if Henry was impressed, that means that he  
6 feels that you're going to start moving forward. Me,  
7 myself, out of total respect for Henry, I'm going to  
8 applaud you and say congratulations, because I'd actually  
9 like to see it happening, I'd like to be part of that, my  
10 community would like to be part of that. We'd like to see  
11 some real environmental justice done and we think it  
12 should start right here at this table.

13       Thank you.

14       (Applause.)

15       CAL/EPA SECRETARY TAMMINEN: Thank you very much.

16       CAL/EPA SPECIAL ASSISTANT HALL: Donyela Young.

17       Sylvia Quarles and Karen Pierce.

18       Also Penny Newman. Ms. Young is not here.

19       MS. QUARLES: My name is Sylvia Quarles.

20       And for those of you at the table who are  
21 familiar with LeVonne Stone, a former member of the  
22 Advisory Committee --

23       MS. STONE: A member.

24       MS. QUARLES: Oh, a member -- current member.

25       -- I'm associated with her and very proud to be



1 so. Because there's a saying, you know, if you see one or  
2 two African Americans, then people have the illusion that  
3 it's a hundred or five hundred or whatever. And so she  
4 has had to represent many, many numbers of us who don't  
5 get to be here at the table. And so I'm honored and proud  
6 to represent our constituents.

7 And I'd like to also associate with the remarks  
8 that Mr. Clark made -- Dr. Clark -- excuse me. And he  
9 might tell you that I don't often do that with him. And  
10 so I was very proud to associate with his comments here.

11 But then I do have my own. And similar to the  
12 sister who painted a picture for you, I just wanted to say  
13 that coming from the community of Seaside, California,  
14 it's -- you've heard and you know because we live in this  
15 environment of injustice together.

16 But I just want to remind you that we know the  
17 meaning of the words deaf and dying, losing our hair, our  
18 nails, our internal organs being adversely affected. And  
19 sometimes when I look at the inactivity of us or the  
20 indecisiveness, the inability of us to really take action,  
21 I'm wondering if we aren't -- and I know that we are being  
22 slowly affected by the very thing that we are working to  
23 correct, the environmental injustice.

24 And I just want to ask that as you continue -- I  
25 wanted to put it in the words of I think it was Charles

1 Dickens who wrote the Christmas Carol and showed us  
2 Scrooge having that experience, not in a mean way, but in  
3 a way that we can all -- like Dr. King had the dream, that  
4 we can all dream the dream together of what we would be  
5 like if we could clean up this problem and we could be, as  
6 the Army said -- what would it be like if we could really  
7 get this accomplished and then we could be all that we  
8 could be.

9 I just look forward one day to that dream. And I  
10 urge you that the urgency of it is not stalling and  
11 understanding terms and words, because as you've heard and  
12 we all know, we're disproportionately represented on a  
13 daily basis, caskets going to the graveyard every --  
14 almost every day. I live close to one. And I can't tell  
15 you how it saddens my heart, mainly because we all lose,  
16 we're all losing. And I want to see us win.

17 CAL/EPA SECRETARY TAMMINEN: Thank you.

18 MS. PIERCE: Good evening. I'm Karen Pierce.  
19 I'm the President of the Board of the Bayview Hunters  
20 Point Community Advocates. And the Advocates are one of  
21 the members of the Bay Area working group on the  
22 precautionary principle.

23 And I want to start by saying that we're not  
24 afraid to say "precautionary principle" and we're not  
25 afraid to live by that. And I want to thank Ms. Patterson

1 for asking that question, because I have to say, as we  
2 went around the table, I got a little confused and was not  
3 sure that you had adopted the recommendations of the  
4 Advisory Committee that included the precautionary  
5 principle. It seems like it's being lost. So I want to  
6 say it one more time so that you will remember that you in  
7 fact did adopt those recommendations with the  
8 precautionary principle as part of them.

9 I have a -- number one, I want to state that I  
10 support the written recommendations of the environmental  
11 justice community organizations that have presented them.  
12 But I had a couple of questions, and then I'm going to  
13 be -- try to be very quick with my comments.

14 And that was to Mr. Helliker. I heard you say we  
15 need to limit pollution, but the solution is to limit  
16 pollution without limiting chemicals. And I'd really like  
17 you to define pollution. Because maybe some other people  
18 do understand you, but I agree with earlier commenters  
19 that that really just doesn't make sense to me. Okay?

20 Ms. Boel made a comment about a balanced approach  
21 is what we need. We're looking for equity here. That is  
22 not a balanced approach. A number of people have talked  
23 about the disproportionate impacts in communities of color  
24 and poor communities. Your recommendations make reference  
25 to the fact that the work you do should comply with the

1 civil rights laws, both federal and state. And those laws  
2 were set up because we did not have equity. And they  
3 require something more than balancing. They require  
4 taking affirmative steps to ensure that we bring our  
5 communities up to the level of the communities that have  
6 not had to live with these impacts.

7 (Applause.)

8 MS. PIERCE: I want to go through a series of  
9 comments that I heard from people representing the  
10 chemical industries and the polluting industries that have  
11 invaded our communities. They talked about rational  
12 balance, weight of scientific knowledge, accurate  
13 reproducible research, sound objective science, cost  
14 effectiveness, regulatory certainty, and -- I had to put  
15 this one in -- and "thank you for employing our lower  
16 educated members of society."

17 But to go back to those -- if you look at all of  
18 those, if in fact we were using sound objective science,  
19 we would know what's in those chemicals that they have put  
20 into our communities. We're not asking for anything more  
21 than that. Use your science to tell us what it is that we  
22 are exposed to and whether or not that exposure is harmful  
23 to our health and our environment.

24 Cost effectiveness means more than the bottom  
25 line of a corporation. It is not about, "Will we make a

1 profit for our shareholders?" It is about the cost to  
2 develop the chemicals, the cost to dispose of the  
3 chemicals, the cost of public health that is required in  
4 order to treat the people that are exposed to those  
5 chemicals. So, yes, we want you to look at cost  
6 effectiveness, but look at the whole picture of cost  
7 effectiveness.

8 (Applause.)

9 MS. PIERCE: Finally, since my time ran out about  
10 two minutes ago, I just want to make a comment about the  
11 makeup of this committee. There is -- if you look at  
12 certain municipalities, some regional efforts, you will  
13 find that there is a model where this kind of interagency  
14 committee can include community representatives. The  
15 Environmental Justice Advisory Group should not be  
16 advisory; they should be active members of this committee.  
17 And that is the way you will achieve the kind of  
18 environmental justice that you say, and I believe, you are  
19 really trying to achieve.

20 Thank you.

21 (Applause.)

22 CAL/EPA SECRETARY TAMMINEN: Thank you very much.

23 MS. NEWMAN: I second everything that has been  
24 said by many of the community people that are here.

25 My name is Penny Newman. I'm the Executive

1 Director of the Center for Community Action and  
2 Environmental Justice in the Riverside/San Bernardino  
3 area.

4 I've been involved in environmental justice and  
5 community issues for well over 25 years, starting with the  
6 Stringfellow Advocates. And we have forged forward many  
7 of the public participation methods that are routinely  
8 used or abused within the agencies, both federally and  
9 statewide.

10 We have some very good experiences with some of  
11 the agencies. We also have some very bad experiences with  
12 some of the agencies.

13 And one of the things that I wanted to point  
14 out -- and Tam had talked about the communication being a  
15 very difficult thing to handle. That would be helped very  
16 much if you involved the people who have devoted two years  
17 of their lives into developing this policy.

18 There is no reason to recreate it, to try and  
19 bring staff up to speed on the definitions on the  
20 understandings that have taken place. You have a wide  
21 range of representation on that advisory board and they  
22 would be very well used in the working groups that we are  
23 talking about, the two working groups, from cumulative  
24 risk and precaution.

25 I would urge you to make those your working

1 groups and to use that as a starting base, and add in  
2 staff that would help and inform in advance that  
3 discussion. But utilize their expertise and the long  
4 hours that they have put forward and that you have devoted  
5 into that process.

6       Public participation is a two-way street. It is  
7 not simply setting up clearinghouses. It is not simply  
8 making access to documents. It is listening to the  
9 community. The community very much are the experts. They  
10 know their communities. They know when they're being made  
11 ill. They know where the pollution happens. It's not an  
12 8 to 5 thing. They know that at night the factories open  
13 up and allow the stuff to come spewing out.

14       So we have to develop a two-way avenue of  
15 communicating. I think with DTSC we've had many instances  
16 where that two-way communication has led to them being  
17 much more effective in their work, both at Stringfellow  
18 where we have a very good working relationship, and the  
19 agency has responded very favorably to our concerns.

20       The other areas is with Wyle Labs where the  
21 community was the one that brought it to multiple agencies  
22 about the problem. And it wasn't till we got to DTSC that  
23 we began to see some action take place. And still having  
24 some hurdles to go over, but they have been very, very  
25 involved in that.

1 I think that when we talk about cumulative risk  
2 and precaution we have to look at land use. And I think  
3 the Environmental Health Coalition brought this point up.  
4 We have instances where local government is failing  
5 miserably. Local government is creating the environmental  
6 problems that these communities are dealing with. And to  
7 sit back and simply say, "It's local decisions. We can't  
8 do anything about land use," is neglecting your  
9 responsibilities as informed agencies.

10 You have to have an interagency approach to it.  
11 With the warehousing that is coming into southern  
12 California with the goods movement industry, we cannot  
13 have ARB sit back and not do anything because they control  
14 mobile sources, AQMD can't do anything because they  
15 control stationary sources.

16 We have to start looking at these facilities and  
17 these industries as the operation of those industries, and  
18 the diesel trucks are part of that operation, just as a  
19 smokestack is part of a refinery's operation. And they  
20 have to be viewed in that way.

21 And if we start getting ARB coming to the table  
22 to try and solve the same problems with AQMD, with other  
23 agencies, Transportation, with the Office of Planning and  
24 Research, so that we inform and require local government  
25 to protect their citizens. We have the science. And I



1 think the communities are right there saying that we need  
2 to be science-based, that we want regulatory certainty.  
3 We want to know that when the science says you are being  
4 harmed, that the regulatory agencies will certainly come  
5 in and correct it. And that is not the case.

6 (Applause.)

7 MS. NEWMAN: And I know I'm going over. But  
8 there's an issue that I think is very, very critical with  
9 the warehouse situation. We know that the diesel is  
10 killing our communities. We know -- we know that the  
11 science is supporting --

12 CAL/EPA SECRETARY TAMMINEN: Is the light on?

13 MS. NEWMAN: Yeah, it's on.

14 We know that the science supports -- we know  
15 through USC --

16 CAL/EPA SECRETARY TAMMINEN: We just want to make  
17 sure this -- none of them are working.

18 We just want to make sure it gets on the record.

19 MS. NEWMAN: We know that through a longitudinal  
20 study by USC that our children in Mira Loma are suffering  
21 from the highest levels of pollution, they have the  
22 weakest lung function, they have the slowest lung growth.  
23 We know that we are -- have the highest levels of  
24 particulate pollution in the nation, fourth in the world.  
25 We know that through AQMD's Mira Loma specific study that

1 the cancer risk in this area is off the chart. We are in  
2 the most extreme non-attainment area in the world. And yet  
3 each of your agencies, the ARB, AQMD, all of you are  
4 allowing warehouses to continue to come into an area and  
5 concentrate diesel more and more and more. This is  
6 unconscionable. This is environmental justice. And it  
7 has to stop.

8 And whatever you need to do, not discussing  
9 definitions, you need to come in and start addressing all  
10 of the communities that are here. They aren't hiding from  
11 you. They're right out in public. And you need to step  
12 in now. I don't want to see 25 more years, another  
13 generation of children going through the same thing my  
14 children have gone through. My grandchildren deserve  
15 better than that.

16 Thank you.

17 (Applause.)

18 CAL/EPA SECRETARY TAMMINEN: Thank you.

19 CAL/EPA SPECIAL ASSISTANT HALL: Bruce Stewart,  
20 Ethel Dotson, and Suellen Lowry.

21 MR. STEWART: Thank you. Good evening.

22 CAL/EPA SECRETARY TAMMINEN: I think one of them  
23 is working. You pick one.

24 MR. STEWART: Hello, hello.

25 Good afternoon -- actually good evening now,

1 Chairman.

2 CAL/EPA SECRETARY TAMMINEN: Please just for the  
3 record, state your name.

4 MR. STEWART: Well, first of all, I'm Bruce  
5 Stewart. I'm speech impaired. Bear with me.

6 This evening is very special to me because -- can  
7 you hear me?

8 This evening is very meaningful to me because 20  
9 years ago, as a person involved in a field of science, I  
10 had the opportunity to work with several people in this  
11 room. Mr. Lowry, for one, other members of different  
12 agencies, DPR, it goes on. Because of the Clean Water  
13 Act, the Clean Air Act I was able to be invited to  
14 participate in PMPs and represent technologies that were  
15 demonstration technologies. I had the ability to be -- to  
16 represent science and overseeing a superfund project in  
17 Calimesa, California, for the Department of Health  
18 Services before you became EPA.

19 But here's my point. One point is that I was  
20 working with really, really dedicated people in the  
21 agencies. To be in front of the Interagency Working Group  
22 is like a -- it's a real dream come true. I've got --  
23 because of my health changes, people like Monelle, who  
24 represents something in my new life -- my professional  
25 life is kind of over right now.

1 But what I'd like to tell my colleagues in my new  
2 life, the real life, I'd like to tell my colleagues  
3 there's a large group of dedicated people in our state  
4 agencies still. And as will always be true. But I would  
5 never, Dr. -- but I represent -- all we were trying to do  
6 then and we're trying to do now is represent sound science  
7 and cost effectiveness. I guess I've done sixteen state  
8 projects, and just -- with several agencies. I'm  
9 really -- I'm really proud of that relationship.

10 I want to thank the agencies of California for  
11 allowing me -- as a person of color, there wasn't a  
12 criteria then. But I really am understanding the value of  
13 my current colleagues, Dr. Clark, the Dotsons, people in  
14 the risk area. But I never did have time to speak to  
15 them. But now I see the -- I'm living the best of both  
16 worlds, both lives. I want my colleagues to be patient  
17 with our agencies.

18 I was involved early in this for -- with CAL/FED  
19 with the -- in the -- have been away for ten years now.  
20 I'm back here and I see things coming together. I'm proud  
21 of everybody in this room. There were ten people in the  
22 room years ago. And now I'm really proud of my  
23 constituents. I want them to be patient. And we're  
24 getting very close to having unity and we'll go forward.  
25 I really trust my agencies. I really love my State of

1 California.

2 Thank you very much.

3 CAL/EPA SECRETARY TAMMINEN: Thank you.

4 (Applause.)

5 CAL/EPA SPECIAL ASSISTANT HALL: Ethel Dotson?

6 MS. DOTSON: I'm going to need a little time to

7 just say -- and what I got to say is going to take a

8 little bit more time, because we've been trying --

9 CAL/EPA SECRETARY TAMMINEN: Just lean --

10 MS. DOTSON: My name's Ethel Dotson.

11 CAL/EPA SECRETARY TAMMINEN: And lean right into

12 the microphone, if you would, so we get this all recorded.

13 MS. DOTSON: My name's -- push this?

14 CAL/EPA SECRETARY TAMMINEN: Just make sure the

15 little green light's on. And speak real close to it so

16 everyone can hear you.

17 Thanks.

18 MS. DOTSON: My name is Ethel Dotson and I live

19 in the City of Richmond and have lived there since 1944.

20 Moved from Louisiana, around the refineries there, into

21 Oakland and then to Richmond. And the projects was

22 built -- seaport, warehouse, and projects was built on top

23 of the contamination just found out in September 2003.

24 First day on the computer, CBE set me up because

25 I didn't want to use computers with all of the stuff

1 coming out of computers. They said, "No, you have to get  
2 E-mail, et cetera, the first day." The person, I say,  
3 "Show me how to hook up Stauffer. But we couldn't get  
4 the information on EPA, asking ATSDR to come into Richmond  
5 to do an investigation after we found the -- and if you  
6 could pass this around, an article.

7 When it hit the West County Times, "Richmond sure  
8 due for clean-up transformation." We're putting the face  
9 on all this, that you all got down on paper because it  
10 ain't worth a rat whatever, because there ain't nobody's  
11 following it. Okay?

12 And so I read that. The City Clerk of the City  
13 of Richmond, she lived in Seaport, got a leg that's all  
14 swollen up and stuff, right? And she said, "Check the  
15 newspaper." Not nowhere in there do you see that it said  
16 anything about any uranium.

17 First day of September the 3rd, 2002, when I went  
18 on the ATSDR, it showed Tarpon Springs, Florida. Stauffer  
19 was there at the same time that they was in Richmond,  
20 California. The people there was asking ATSDR in 2000 to  
21 do an assessment that they seen yellow cake there. And so  
22 I say, "Yellow cake? What is yellow cake?" And I said,  
23 "Go over to that section. Show me that section," a  
24 military exercise. And they said, "Oh, no, they wasn't  
25 doing Stauffer in Tarpon Springs." But in Richmond,

1 California, under secrecy, Stauffer metal zinc was listed

2 out of the 500 and some sites. I said, "Oh, my God."

3 Okay?

4 We ask the City of Richmond to do an assessment

5 of work with us. They wouldn't do it. And not to do a

6 negative dec, to do an environmental impact report. They

7 wouldn't do it. I just found out in January the 27th,

8 2004 -- and I'm going to pass this around -- because I

9 guess the Attorney General or somebody because it was a

10 conflict of interest.

11 January 1st, 2002 -- January 17th, 2002, Levine

12 Fricke that was doing the testing of the soil, \$500 to

13 Irma Anderson.

14 Simeon -- January 17th, 2002, Simeon Commercial

15 that bought the property from Stauffer, \$500 to Irma

16 Anderson.

17 7/03/2003, 9/21/03, Cherokee, Simeon Ventures,

18 \$2,500. It's the one the city councilman told me, said,

19 "Oh, she over 3,000 from IBEW Local 302." It should be --

20 what is it, 3,000? You got 3,500 up here.

21 Okay. City Councilman Gary Bell, 9/26/2003,

22 Levine Fricke, \$250. That's why nothing happened. I went

23 to the Water Board when I seen the article and say, "Oh,

24 we used to live there in the projects." "Oh, we didn't

25 know it was no projects there." Went to UC Berkeley field

1 station, says, "We live there." So one guy says, "Oh,  
2 nobody live there." Then I said, "No, I got the proof to  
3 show you that we lived there. My father saved some  
4 pictures to prove that we lived there."

5 Went over -- that's when U.S. Berkeley field  
6 station gave me the -- because he say, "You give me the  
7 log book and I give you a" -- what's that? -- the one of  
8 the area view. That one there. Okay?

9 CAL/EPA SECRETARY TAMMINEN: Ma'am, I don't wish  
10 to be rude. But we do have other people to speak and it  
11 is running late.

12 MS. DOTSON: Look, wait a minute. We're going to  
13 take the time here because -- look, the community is  
14 hysterical. People need some service. You're going to  
15 wait and listen.

16 CAL/EPA SECRETARY TAMMINEN: I appreciate that.  
17 But we do need to ask you to wrap it up in, say, one  
18 minute.

19 MS. DOTSON: Let me say this, okay? You all got  
20 to take time to listen, okay?

21 We asked the Water Board to set up a meeting with  
22 -- that meeting with the Water Board. From that day to  
23 this one they never have did it.

24 The State Department of Toxics should have been  
25 involved. Both agencies should have been involved, the



1 Water Board as well as the State Department of Toxics.  
2 Before any dirt should have moved on that site, there  
3 should have been community meetings, the truth should have  
4 been told. It didn't happen. All in the dirt it's got  
5 the stuff blowing all over the place.

6 Then we finds out that that mess was done in  
7 secrecy. They had Plutonium, and they lied. They didn't  
8 tell people the truth. And then when I brought it out and  
9 found it on the Internet and went before -- they went  
10 before the planning commission, because I went to the city  
11 council meeting, because they advertised a meeting, to let  
12 the world know, "Here it is. They lied." Okay?

13 The Plutonium files. Eileen Welsome, heard her  
14 on KPFA May the 6th. I'd never heard of this: America's  
15 secret medical experiments in the cold war. They've got  
16 Richmond, California, in here. Well, Pullman porter --  
17 well, if they went and checked, they didn't check it --  
18 plutonium into him. And that man didn't have cancer.

19 My whole -- my whole life, my whole perspective  
20 has changed now. That's why I say we're angry. You all  
21 have a responsibility. You all have been covering up.  
22 People need services. My father is 86 years old. You see  
23 him on the front page of -- in the wheelchair. Those are  
24 some of the older people that's left that was on their  
25 site. They used us as guinea pigs.

1       And, believe me, I was a kid. But after reading  
2 this book -- they have a clinic in Seaport. And I  
3 remember my arm swelling up so bad and I got so sick. And  
4 then when I got to reading this then that they gave --  
5 they put Plutonium in the kids' oatmeal and stuff,  
6 developed disabled kids. How can they? So they did it to  
7 us.

8       You know, my mother has emphysema. She never  
9 smoked a day in her life. My father say when -- after my  
10 sister was born in August of 1947, two weeks later she  
11 come up with kidney problems. She had to go to another  
12 hospital. Another lady come up with kidney problems. She  
13 died. I mean my father got bone rubbing bone. He can't  
14 walk. They need services. I'm sick. My brother --  
15 all -- the whole family is sick. My sister died of cancer  
16 in '85. It goes on and on and on. People need some  
17 services now.

18       We're not supposed to be paying all these taxes.  
19 Health and Safety Code --

20       CAL/EPA SPECIAL ASSISTANT HALL: Excuse me.

21       MS. DOTSON: I'm going to finish today. And  
22 you'll just have to take me to jail. I'm sorry.

23       CAL/EPA SECRETARY TAMMINEN: Well, ma'am, could I  
24 make another suggestion?

25       MS. DOTSON: Just let me finish.

1 CAL/EPA SECRETARY TAMMINEN: Could I give you more  
2 time --

3 MS. DOTSON: You all didn't come and meet with  
4 us, so I'm going to do what I got to do to --

5 CAL/EPA SECRETARY TAMMINEN: Well, and that's  
6 exactly what I'm going to offer you.

7 MS. DOTSON: What's that?

8 CAL/EPA SECRETARY TAMMINEN: Why don't we get  
9 together --

10 MS. DOTSON: It says in Health and Safety Code  
11 40231, zones differ in tax farmers. The Bay District  
12 Board may establish within the Bay District zones where  
13 different tax farmers may be applied. In establishing  
14 such zones the Bay District Board shall consider the  
15 degree of concentration of population, the number, nature  
16 and dispersal of the stationary sources of air pollution,  
17 whether the area is a rural, agriculture, in the presence  
18 or absence of industry.

19 CAL/EPA SECRETARY TAMMINEN: Ma'am, could I make a  
20 suggestion?

21 MS. DOTSON: Zone special regulations.

22 CAL/EPA SECRETARY TAMMINEN: Could I make a  
23 suggestion to you?

24 MS. DOTSON: Yeah, I've got a little more time.

25 CAL/EPA SECRETARY TAMMINEN: No, but I was going

1 to offer a lot more time.

2 MS. DOTSON: Well, we want to hear it too. We

3 don't want secrecy and --

4 CAL/EPA SECRETARY TAMMINEN: Yeah, no. No secrecy

5 at all. I'm suggesting that I want to take this very

6 seriously. And we don't have enough time tonight for me

7 to read all of this and to get involved in this --

8 MS. DOTSON: I've taken all the pictures over to

9 the State Department of Toxics to Barbara Cook. She

10 didn't -- they didn't even have the pictures. Zilica gave

11 them to us when we be at the press conference, say -- told

12 the West County Times, oh, yeah, we got all -- and I went

13 over there, and then they had all the pictures and stuff.

14 I said, "Man, look at all that stuff glowing."

15 Okay. And they're trying to say -- Zilica,

16 Stauffer, whatever -- whoever the -- Simeon and them say,

17 "Oh, it was in just one building." Pictures don't lie.

18 You all been lying. You all been letting them guinea pig

19 on us and you all know. We done caught your game now. So

20 you got to help us. You know what? Make the federal

21 government make some money. They can do it.

22 CAL/EPA SPECIAL ASSISTANT HALL: Ma'am, excuse me.

23 MS. DOTSON: Make some money.

24 CAL/EPA SPECIAL ASSISTANT HALL: I think what the

25 Secretary is suggesting is that perhaps we can meet with

1 you individually and get all the information.

2 MS. DOTSON: When? When? You going to come to  
3 Richmond?

4 CAL/EPA SECRETARY TAMMINEN: I'd be happy to come  
5 to Richmond.

6 MS. DOTSON: When?

7 CAL/EPA SECRETARY TAMMINEN: I've been there many  
8 times. I'd be happy to come and visit you, and then  
9 understand directly what you're talking about.

10 MS. DOTSON: And I live right across the track in  
11 the old historical building where the -- across from the  
12 Pullman Train Company. And this man was a Pullman porter.  
13 His wife is still living. But he lived in Richmond,  
14 California. I want to know where did he live? Did you  
15 live in Seaport or --

16 CAL/EPA SPECIAL ASSISTANT HALL: We can set a time  
17 after the meeting.

18 MS. DOTSON: All right.

19 CAL/EPA SECRETARY TAMMINEN: Make sure I have your  
20 name and phone number.

21 MS. DOTSON: Ethel Dotson, 396 South Street,  
22 Richmond, California 94804; phone number, (510) 236-4234;  
23 cell number, (510) 507-2830.

24 CAL/EPA SPECIAL ASSISTANT HALL: Got it.

25 CAL/EPA SECRETARY TAMMINEN: Very good.

1 Thank you very much.

2 (Applause.)

3 CAL/EPA SPECIAL ASSISTANT HALL: Suellen Lowry.

4 MS. LOWRY: Hi. I'm Suellen Lowry. I direct a

5 group called the California Interfaith Partnership for

6 Children's Health and the Environment. And I'll be really

7 brief.

8 I just wanted you to know that what I'm seeing --

9 because I thought it might be helpful for you to know that

10 all over California faith groups are talking more and more

11 about the issue of how the environment is affecting our

12 health and the health of our children. We have several

13 faith groups that make up our partnership and we also work

14 alongside others.

15 And I just -- I felt I just needed to say that in

16 this room now, or they were here, are members of like the

17 Council of Catholic Women, Catholic charities that are

18 really working on these issues. And several of the people

19 I just mentioned have been -- go out and -- I mean I can

20 just think of in the last two to three months of talks

21 that have occurred in faith community gatherings, adult

22 education hours and social action committee meetings and

23 lunches and interfaith conferences from Humboldt County to

24 San Diego County where the topic of how the environment is

25 affecting health. And especially our children's health is

1 coming up.

2 And I just wanted to say that when -- we often --  
3 when we go in and speak to, like, an adult education hour  
4 at a congregation, you know, the people there are  
5 basically -- because they always come to their adult  
6 education hour at their congregation. And we go in and we  
7 talk about this. And within 10 or 15 minutes the hands  
8 are just going up. And the hands are saying, "What can we  
9 do about this?" It's very solution and action oriented.

10 As a matter of fact we start with -- our  
11 standard -- many people here can verify that we -- our  
12 standard presentation, we thought it was very  
13 solution-oriented. We had to put a lot more in because  
14 people would get very frustrated with us because they  
15 wanted to hear about what action can we take now to make a  
16 difference on the issue of how the environment is  
17 affecting our children's health.

18 So I thought it might useful for you to know that  
19 that is going on a lot. And just in the last couple years  
20 I've seen an increase in it. And that -- and I want to  
21 thank you for your work. And I just want to say there's  
22 just an incredible community of people out there with a  
23 real fervor for action and prevention around these issues.

24 Thank you.

25 CAL/EPA SECRETARY TAMMINEN: Thank you very much.

1 CAL/EPA SPECIAL ASSISTANT HALL: Donna Charpied,  
2 Liz Jones, and Joe Lyou.

3 CAL/EPA SECRETARY TAMMINEN: Now, I believe those  
4 are the last three that have signed up.

5 You want to just repeat those names, Malinda.

6 CAL/EPA SPECIAL ASSISTANT HALL: Donna Charpied,  
7 Liz Jones, and Joe Lyou.

8 CAL/EPA SECRETARY TAMMINEN: So if there's anyone  
9 else who still wants to make a comment, we do need to ask  
10 you to sign up. Just come on up here and sign up with  
11 Malinda.

12 MS. CHARPIED: Hello, everybody. My name's Donna  
13 Charpied. I am the Executive Director for the Citizens  
14 for the Chuckawalla Valley. And I sit on the Board of  
15 Directors for the Center for Community Action for  
16 Environmental Justice.

17 I concur with what everyone -- all of the citizen  
18 activists that had a say today. But I'm here to talk to  
19 you today about -- as a farmer.

20 Please do not be afraid to regulate the  
21 agricultural industry. It has been going awry from Day 1,  
22 since petrochemicals have been invented.

23 It is so topsy-turvy with the agriculture  
24 industry, and let me tell you why. I and my husband own  
25 and operate our certified organic farm. You certify



1 organic for 15 years. Every year you were inspected by a  
2 third party to verify our organic practices. And every  
3 year when we put together our farm plan, we have to prove  
4 that we are not polluting the environment.

5 We pay a mill tax, every farmer does. For any  
6 substance of material that you put on your farm, there's a  
7 mill tax. And what that money goes to is to all of the  
8 other ag commissioners throughout the state to keep a  
9 list, an amount of exactly how many chemicals are being  
10 poured in communities on these farms.

11 It is a very serious problem and it does need to  
12 be regulated no matter how much agriculture screams and  
13 cries; is that no industry wants to be regulated because  
14 it's cheaper if they just willy-nilly throw their poisons  
15 around. The cost to families, the cost to communities  
16 far, far outweigh hurting industry's feelings.

17 And in the interests of time I will stop there.  
18 And thank each and every one of you for all of your  
19 efforts.

20 CAL/EPA SECRETARY TAMMINEN: Thank you very much.

21 (Applause.)

22 MS. JONES: Hi. My name's Liz Jones. I'm a  
23 volunteer for and am representing the Breast Cancer Fund,  
24 which is a national organization headquartered in San  
25 Francisco.

1 I have been diagnosed and treated for breast  
2 cancer twice, and the environmental links around breast  
3 cancer and other cancers and other illnesses are very  
4 important issues to me. I grew up in Niagara Falls, New  
5 York. I lived there for 18 years. And if you know  
6 anything about Niagara Falls and Love Canal, I was there  
7 when the city was booming with chemicals plants and a lot  
8 of pollution.

9 Environmental justice is a very important issue  
10 to me. And I have not had to live in a disadvantaged  
11 community. But I know and I think we all know that we  
12 need to do the right thing. And whenever anybody in our  
13 community suffers, we all suffer, be it directly or  
14 indirectly. So all of us in this room are indirectly  
15 suffering -- at least indirectly suffering, if not  
16 directly, from the lack of environmental justice.

17 I want to applaud your efforts in the area of  
18 environmental justice. I respectfully ask for a  
19 meaningful implementation of an interagency environmental  
20 justice strategy.

21 I also have a question for you. And I may have  
22 missed this earlier. But I want to know if there are any  
23 funds available to implement some or any of the pilot  
24 projects that have been presented today and the great  
25 ideas that are here? Is there funding available to do

1 what needs to be done?

2 Thank you.

3 CAL/EPA SECRETARY TAMMINEN: Thank you very much.

4 Joe, you've been very patient.

5 MR. LYOU: You've been very patient.

6 A mind reader actually. That's exactly what I

7 was going to say.

8 Joe Lyou, California Environmental Rights

9 Alliance, also a member of the Cal/EPA Advisory Committee

10 on Environmental Justice.

11 I want to start by thanking all of you for being

12 so patient and listening so intently to everyone who

13 commented today.

14 (Applause.)

15 MR. LYOU: Next, I'd like to just tell you that I

16 support what you propose to do. And I think it's a good

17 approach and I think that it should get moving right away.

18 Third, I'd like to challenge you to make three

19 decisions today, and not leave this room until you've made

20 those three decisions.

21 First, I believe it's evident that you need to

22 commit to meeting more often. I would ask -- or challenge

23 you to commit to meeting at least every three months, if

24 not more often, and to commit to meeting in impacted

25 communities.

1 All these people here who you heard from are not  
2 going to be able to make it here in Sacramento every time  
3 you meet. It's really important for you to get out into  
4 those communities, and also to get out in those  
5 communities, meet with impacted community members and take  
6 those toxic tours in areas. I know that a lot of you have  
7 been on a toxic tour in southeast Los Angeles. There's a  
8 lot of other places in California you need to visit.

9 Second -- I want you to make these three  
10 commitments. First one, meet more -- at least every three  
11 months in impacted communities.

12 Second has to do with the funding. It's implicit  
13 in the proposed strategy action plan that you're going to  
14 put the funding in place to do this. I want to make it  
15 explicit -- please make it explicit that you're going to  
16 have that funding available to do all these things you're  
17 promising.

18 And third and finally, adopt this environmental  
19 justice strategy today. Fine tune it later. I've  
20 submitted written comments on how I think it should be  
21 fine tuned. You don't have to do that today. Make a  
22 commitment today. Don't leave this room today without  
23 making these commitments.

24 Thank you.

25 (Applause.)

1 CAL/EPA SECRETARY TAMMINEN: Thank you.

2 CAL/EPA SPECIAL ASSISTANT HALL: Last two that I  
3 have signed up is Peter McGaw and Jane Williams.

4 MR. McGAW: Thank you. I'm Peter McGaw, and I'm  
5 the Chair of the Environmental Task Force for the Contra  
6 Costa Council. And I've also served on the Bay Area Air  
7 District Environmental Justice Working Group.

8 Contra Costa Council is an organization of over  
9 400 businesses, labor leaders, and local governmental  
10 entities dedicated to improving the quality of life for  
11 all people in Contra Costa County and in the Bay Area.

12 The Contra Costa Council strongly supports the  
13 concept of environmental justice, meaning fair treatment  
14 of all people without regard to color or economic status.

15 Contra Costa County itself has been engaged in an  
16 ongoing environmental justice process which the Council  
17 has been involved in. And I'd like to just share some of  
18 the experiences that we've had in Contra Costa County and  
19 how they might impact your ongoing efforts here as well.

20 First, clear terms and clear criteria are  
21 important. Without a common understanding going into the  
22 process, we really can't agree on how the process should  
23 work, and ultimately we can't agree on whether the process  
24 has been successful or not. So while we move forward with  
25 the environmental justice process, don't lose track of the

1 importance of the terms and criteria which you are

2 applying through that process.

3 Second, balance is important. The impact on the

4 economy and the jobs of the decisions you make cannot be

5 ignored. The single-most important factor in good public

6 health is a good job. Jobs are important in these

7 communities. Don't lose track of that.

8 And then, finally, it's important that you base

9 your policy on science, not on speculation. You should be

10 managing risk, not perceptions. And precaution is

11 important. But build precaution into the system that you

12 construct in a way that is transparent, that creates

13 certainty for all stakeholders, that is subject to

14 replication and is subject to review. In that way, you

15 will have a system which will endure and which will in

16 fact achieve the goals of everybody in this room, which is

17 fair treatment of all people without regard to the color

18 of their skin or their economic status.

19 Thank you very much.

20 CAL/EPA SECRETARY TAMMINEN: Thank you.

21 MS. WILLIAMS: Jane Williams, California

22 Communities Against Toxics.

23 Thank you all for being here tonight. Thank you

24 all for your commitment to this issue. I guess I just had

25 to have the last word.

1 I just wanted to very quickly tell you about the

2 phone calls I've received last week.

3       One from Trona, California. Talk about rural  
4 communities, highly polluted, a call from the workers  
5 there. I was in Maywood, in the Speaker's district,  
6 working on a contaminated site where it looks like  
7 groundwater's impacted the wells there over the weekend.

8       Upland California where there -- looks like  
9 there's some sort of cancer cluster issue going on.

10       Bay area. People wondering how they can get the  
11 Bay Area working group on the precautionary principle  
12 moving forward.

13       I am giving you these examples of the phone calls  
14 that I get. And I guess since this is going to be about  
15 action, I'm hoping that when I'm ready to retire in 20  
16 years, those phone calls can just be referred to different  
17 agencies, because right now it's very clear to me that  
18 these agencies don't respond to the needs of communities.

19       And so as we're moving forward in the action  
20 plan, I guess I would challenge you as the heads of these  
21 agencies to be constantly thinking how can we be  
22 responsive to the needs of the huge numbers of communities  
23 that are calling for help.

24       They are diverse communities, they're rural  
25 communities, they're urban communities. There's

1 communities working on polluted groundwater, on  
2 contaminated sites, on air pollution. Communities haven't  
3 changed over the last 15 years that I've been doing this  
4 work. And I bet if you asked Dr. Clark and Penny Newman,  
5 who have been doing this work, and Diane Takvorian that's  
6 almost -- whose group just did their 25th anniversary, I  
7 believe, the issues haven't changed.

8       So I guess I would just hope that as you're  
9 meeting and as you're coming up with these action plans  
10 and as you are, the heads of these agencies, implementing  
11 the strategic plan, that we figure out how we can actually  
12 address some of those needs.

13       So thank you so much for being here. Thank you  
14 for sitting through this very lengthy comment period. And  
15 I wish us all the best as we move forward.

16       CAL/EPA SECRETARY TAMMINEN: Thank you. I would  
17 offer you only one small amendment to your testimony and,  
18 that is, in 20 years when I retire I hope you're not  
19 getting any of these calls.

20       (Laughter.)

21       (Applause.)

22       CAL/EPA SECRETARY TAMMINEN: And that it's because  
23 we've solved this problem in a meaningful way.

24       MS. WILLIAMS: That's what I'm saying. We've got  
25 to solve these problems.



1 (Applause.)

2 CAL/EPA SECRETARY TAMMINEN: It better not take 20  
3 years.

4 So, look, first of all, I want to thank  
5 everyone -- this closes our public testimony. I want to  
6 thank everyone for your great patience and your very  
7 insightful comments, your passionate, thoughtful comments.  
8 And I also want to compliment our court reporter here and  
9 our interpreter. You have been doing terrific duty. I  
10 hope you have a little more left in you.

11 (Applause.)

12 CAL/EPA SECRETARY TAMMINEN: All right. Given  
13 that we have gone over our time, we've heard such a rich  
14 amount of public testimony, I thought maybe we could just  
15 take a last comment around the table. I'm not sure that  
16 we're in a position to act on this proposal -- I'd like to  
17 hear from my colleagues -- only inasmuch as we've heard so  
18 many things from the public, that we may need to take some  
19 time to internalize these.

20 Perhaps there's a way to adopt the draft in  
21 principle and then refine it and come back a second time.  
22 I think we've all certainly heard clearly the need to meet  
23 more frequently, and I would certainly share that.  
24 There's a lot of work to be done.

25 But let me hear from my colleagues, especially

1 those with much more government experience than I have,  
2 about your thoughts on our next steps.

3 Why don't we start this time with Val, and we'll  
4 just work around the table in the opposite direction.

5 OEHHA CHIEF DEPUTY DIRECTOR SIEBAL: Well, I  
6 think the testimony we hear is always moving. I mean even  
7 though OEHHA has been involved in the permitting end of  
8 it, we are involved in some of the activities that  
9 surround all of these sites that everybody talked to us  
10 about.

11 I'm pretty comfortable speaking on behalf of Dr.  
12 Denton that the strategy looks pretty good the way it is  
13 right now. I think -- like I said, I think it needs a few  
14 more definitions. Maybe your idea of adopting it in  
15 principle is the way to go. If budgets allowed it, I  
16 think we ought to maybe meet in the communities, as  
17 suggested.

18 And I guess that's probably as far as I can take  
19 it from our little outfit.

20 CIWMB CHAIRPERSON MOULTON-PATTERSON: Thank you.

21 I'd just like to echo Terry's thanks. I really  
22 appreciate you all being here. I think what you had to  
23 say is so important. I think that this is an area where  
24 the Governor could really show us some action.

25 And I come from southeast Los Angeles. But I'll

1 tell you, going on that toxic tour was the most important  
2 thing I've done since I've been on this Board in five  
3 years. It's unbelievable. I'd ask all of you to go on  
4 them. I want to go on others.

5 I certainly think that it's important that we get  
6 out and go to impacted communities. I know our board was  
7 criticized a couple of times for holding meetings in other  
8 parts of the state. But I think it's critical. I mean  
9 not everybody can come to Sacramento.

10 The point on rural counties I think was very,  
11 very good. I know we work hard at the Waste Board to take  
12 in rural counties' and locales' different needs. I think  
13 that's really important.

14 There is just so many things. As a breast cancer  
15 survivor, I hear you. As a mother, a grandmother, I hear  
16 you. And I think it's -- I really think it's fine that  
17 you all came and spoke to us today.

18 CAL/EPA SECRETARY TAMMINEN: Thank you, Linda.

19 ARB ADVISOR PRASAD: I also join with the  
20 Secretary in thanking you all for coming and letting us  
21 know your views.

22 And I'm of the opinion in principle and  
23 context-wise we can move to adopt it. But since some of  
24 the comments are quite important to be considered, they  
25 need some kind of a clarification or modification, that

1 probably could be modified and internally circulated  
2 before the next meeting.

3 And I also agree with you that we should meet  
4 more often.

5 And I also want to say that the toxics tour,  
6 regarding to this, about five years back in a toxics  
7 tour -- I took about six of the Board members at different  
8 times on the toxics tour. And one board member remarked  
9 that what was -- they did not know that such areas existed  
10 in L.A. The other remarked that "I learned more today  
11 than what I would learn going to UCLA for a month."

12 So these were all really heartfelt comments that  
13 were expressed by our board members during these years.  
14 And that was one of the things which really helped us to  
15 get ARB's EJ actions and policies adopted by the Board.

16 CAL/EPA SECRETARY TAMMINEN: Thank you.  
17 Jan.

18 GOVERNOR'S OFFICE OF PLANNING AND RESEARCH ACTING  
19 DIRECTOR BOEL: Well, I too want to echo the thanks of  
20 hearing all of you. I found the testimony very touching  
21 and very informative, particularly because I don't know  
22 that much about this issue.

23 As such, I would like to have a little bit more  
24 time to study this. But I can understand the urgency  
25 about trying to move forward in a general agreement. And

1 I like your thought of having the action plan as well as  
2 having the strategic plan. I of course have to confer  
3 with the Governor's office beyond that.

4 CAL/EPA SECRETARY TAMMINEN: Thank you.

5 Tam.

6 CAL/EPA DEPUTY SECRETARY DODUC: Thank you.

7 Just wanted to offer a comment and a point of  
8 clarification.

9 The interagency group under statute needs to pass  
10 or approve today, or whatever, recommendations to the  
11 Secretary for the environmental justice strategy. And so  
12 one motion that could be taken by this group is that this  
13 group recommend to the Secretary the staff proposal that  
14 was developed. But also that in his process of issuing  
15 the final strategy for Cal/EPA, that he considers and  
16 incorporate as appropriate the comments that we received  
17 today as well as the comments that we received in writing.

18 CAL/EPA SECRETARY TAMMINEN: Thank you.

19 CAL/EPA SPECIAL ASSISTANT HALL: I thank everyone  
20 for their comments. It's been very informative. And I  
21 thank everybody for their time.

22 CAL/EPA SECRETARY TAMMINEN: Thank you, Malinda.

23 Ed.

24 DTSC DIRECTOR LOWRY: I echo the thanks that  
25 everyone has so generously been giving, and deservedly so.

1 A lot of effort went into this, both staff time, a little  
2 bit of our time, but more importantly the folks who came  
3 up here who now have a long journey back to their homes  
4 throughout the state.

5 I agree with the suggestion that we approve the  
6 report in principle, and at an appropriate point would be  
7 prepared to make that motion, and then recommend to you  
8 that you adopt it and view and incorporate comments to  
9 refine some of the things which would need to be refined.

10 CAL/EPA SECRETARY TAMMINEN: If that's in the form  
11 of a motion, if we have that and a second, we can then  
12 continue the discussion.

13 DTSC DIRECTOR LOWRY: It is a motion.

14 CIWMB CHAIRPERSON MOULTON-PATTERSON: Second.

15 CAL/EPA SECRETARY TAMMINEN: All right. We have a  
16 motion and a second.

17 SWRCB BOARD MEMBER SILVA: Gee, I was going to  
18 second it since it's my turn.

19 I'd like to say to everybody, It's really a --  
20 you know, just echo the thanks for all the people coming  
21 in. Their comments really have been very helpful. And  
22 I'd personally commit to meeting whenever and, you know,  
23 however many times we need to. I think it's important.

24 CAL/EPA SECRETARY TAMMINEN: Ed, I didn't mean to  
25 cut you off. Did you have any further comments?

1 DTSC DIRECTOR LOWRY: No, I was done with the  
2 motion.

3 CAL/EPA SECRETARY TAMMINEN: All right. Thanks.  
4 Paul.

5 DPR DIRECTOR HELLIKER: Well, I sympathize with  
6 what, Joe, you said about how we ought to meet more  
7 frequently to consider this as well as the action plan,  
8 because I think the action plan is really what most people  
9 are interested in. The strategy is a good foundation  
10 document. But, you know, I think everybody would like to  
11 see what the next steps are, and the action plan I think  
12 is one critical element of that.

13 So I would suggest that we start with this, as we  
14 have a motion, and that we consider at our next meeting  
15 incorporating the action plan as well and the specific  
16 schedule for when we want to have discussions about all of  
17 the issues that have been raised today with local  
18 community members in different locations.

19 So I'll third the motion.

20 CAL/EPA SECRETARY TAMMINEN: So there's a motion  
21 and a second.

22 Any other discussion?

23 All in favor signify by saying aye.

24 (Ayes.)

25 CAL/EPA SECRETARY TAMMINEN: All opposed signify

1 by saying nay.

2 Well, the motion carries unanimously.

3 Thank you very much.

4 Other comments?

5 Did you have -- you switched on your mic. I

6 wondered if you were going to give us another point of

7 clarification.

8 CAL/EPA DEPUTY SECRETARY DODUC: Well, I was going

9 to, but I'll stop now.

10 CAL/EPA SECRETARY TAMMINEN: All right. Well

11 everyone's been very patient. We've run over our time.

12 And I think at least now we have a good working document,

13 a good strategy to get started with.

14 And I want to thank again everyone for their time

15 and their input.

16 Thank you all very much.

17 (Thereupon the California Environmental

18 Protection Agency, Environmental Justice

19 Workgroup meeting adjourned at 7:30 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing California Environmental Protection Agency,  
7 Environmental Justice Workgroup meeting was reported in  
8 shorthand by me, James F. Peters, a Certified Shorthand  
9 Reporter of the State of California, and thereafter  
10 transcribed into typewriting.

11 I further certify that I am not of counsel or  
12 attorney for any of the parties to said hearing nor in any  
13 way interested in the outcome of said hearing.

14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 this 1st day of June, 2004.

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22

23 JAMES F. PETERS, CSR, RPR  
24 Certified Shorthand Reporter  
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